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CITY OF BUSSELTON

MINUTES FOR THE COUNCIL MEETING HELD ON 28 MARCH 2018

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MINUTES

MINUTES OF A MEETING OF THE A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 28 MARCH 2018 AT 5.30PM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 5.40pm.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr John McCallum Deputy Mayor
Cr Coralie Tarbotton
Cr Ross Paine
Cr Lyndon Miles
Cr Rob Bennett
Cr Paul Carter
Cr Robert Reekie
Cr Kelly Hick

Officers:

Mr Paul Needham, A/Chief Executive Officer
Mr Oliver Darby, Director, Engineering and Works Services
Mr Cliff Frewing, A/Director, Community and Commercial Services
Mr Tony Nottle, Director, Finance and Corporate Services
Ms Sarah Pierson, Manager, Governance and Corporate Services
Miss Kate Dudley, Administration Officer, Governance

Apologies

Mr Mike Archer, Chief Executive Officer

Approved Leave of Absence

Nil

Media:

"Busselton-Dunsborough Times"
"Busselton-Dunsborough Mail"

Public:

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3. PRAYER

The prayer was delivered by Pastor Nigel Wittwer from Hope Christian Church.

4. PUBLIC QUESTION TIME**Response to Previous Questions Taken on Notice**

Nil

Public Question Time

Nil

5. ANNOUNCEMENTS WITHOUT DISCUSSION**Announcements by the Presiding Member**

Nil

Announcements by other Members at the invitation of the Presiding Member

Nil

6. APPLICATION FOR LEAVE OF ABSENCE

Nil

7. PETITIONS AND PRESENTATIONS

Mr Kevin Merifield presented as a party with an interest on item 11.1 Application for Development Approval - DA17/0651- Reception Centre, Lot 30 (70) Millbrook Road, Yallingup. Mr Merifield is the proponent for the application and is in support of the Officers Recommendation but is not in support of elements of the Alternative Motion, namely proposed changes/additions to conditions 1b, 3.4.6b and 8 submitted by Cr Hick. Mr Merifield indicated reluctant support for proposed changes to conditions 3.4.2, 3.4.7, 5 and 6.

8. DISCLOSURE OF INTERESTS

The Mayor noted that a declaration of impartiality interest had been received from:

- Cr Ross Paine in relation to agenda Item:
 - 11.1 Application for Development Approval - DA17/0651- Reception Centre, Lot 30 (70) Millbrook Road, Yallingup
- Cr Kelly Hick in relation to agenda Item:
 - 11.1 Application for Development Approval - DA17/0651- Reception Centre, Lot 30 (70) Millbrook Road, Yallingup
- Cr John McCallum in relation to agenda Item:
 - 13.3 CSRFF Application Small Grants Round 2 Busselton Tennis Club

In accordance with the Local Government (Rules of Conduct) Regulations 2007 these declarations will be read out immediately before Items 11.1 and 13.3 are discussed.

9. CONFIRMATION AND RECEIPT OF MINUTES**Previous Council Meetings**9.1 Minutes of the Council Meeting held 14 March 2018**COUNCIL DECISION****C1803/046**

Moved Deputy Mayor McCallum, seconded Councillor Tarbotton

That the Minutes of the Council Meeting held 14 March 2018 be confirmed as a true and correct record.

CARRIED 9/0**Committee Meetings**9.2 Minutes of the Audit Committee held on 14 March 2018**COUNCIL DECISION****C1803/047**

Moved Councillor P Carter, seconded Deputy Mayor McCallum

That the Minutes of the Audit Committee held on 14 March 2018 be confirmed as a true and correct record.

CARRIED 9/09.3 Minutes of the Finance Committee Meeting held on 15 March 2018**COUNCIL DECISION****C1803/048**

Moved Deputy Mayor McCallum, seconded Councillor Tarbotton

That the Minutes of the Finance Committee Meeting held on 15 March 2018 be confirmed as a true and correct record.

CARRIED 9/0

ITEMS BROUGHT FORWARD AND ADOPTION BY EXCEPTION RESOLUTION

At this juncture the Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion, that the remaining reports, including the Officer Recommendations, will be adopted en bloc.

RECOMMENDATION

That the Officer Recommendations in relation to the following agenda items be carried en bloc:

- 11.2 PROPOSED MODIFICATION TO MCLACHLAN RIDGE STRUCTURE PLAN FOR LOT 220 BALMORAL DRIVE AND LOT 300 HEBRIDES CLOSE, QUINDALUP - FINAL ADOPTION
- 13.1 SEASCAPE AND SCULPTURE WALK
- 13.2 DRAFT GEOGRAPHE LEISURE CENTRE AND NATURALISTE COMMUNITY CENTRE MASTER PLANS
- 14.2 LONG TERM FINANCIAL PLAN 1 JULY 2018 TO 30 JUNE 2028
- 15.1 COUNCILLORS' INFORMATION BULLETIN

11.2 PROPOSED MODIFICATION TO MCLACHLAN RIDGE STRUCTURE PLAN FOR LOT 220
BALMORAL DRIVE AND LOT 300 HEBRIDES CLOSE, QUINDALUP - FINAL ADOPTION

SUBJECT INDEX:	Structure Plans, Local Development Plans and Activity Centre Plans
STRATEGIC OBJECTIVE:	Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow.
BUSINESS UNIT:	Strategic Planning and Development Services
ACTIVITY UNIT:	Strategic Planning and Development Services
REPORTING OFFICER:	Strategic Planner - William Hosken
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location Plan ⇒
	Attachment B Aerial Photograph ⇒
	Attachment C Commonage Policy Area Consolidated Structure Plan ⇒
	Attachment D Endorsed Structure Plan (DGP21) ⇒
	Attachment E Proposed Modified Structure Plan ⇒
	Attachment F Bushfire Attack Level Contour Plan (Lot 220) ⇒
	Attachment G Bushfire Attack Level Contour Plan (Lot 300) ⇒
	Attachment H Schedule of Submissions ⇒
	Attachment I Draft Conditions ⇒

PRÉCIS

The Council is requested to consider proposed modifications to the McLachlan Ridge Structure Plan for Lot 220 Balmoral Drive and Lot 300 Hebrides Close, Quindalup. The purpose of the proposed modifications is to facilitate additional subdivision of these lots further to that approved in a Structure Plan adopted by the City and the WA Planning Commission in 2010.

For reasons outlined in this report, City officers do not support the proposed modifications. The proposal has been advertised, and is now presented to the Council for formal consideration prior to forwarding the application to the WA Planning Commission for determination. This application is being presented to the Council due to the level of interest and nature of the issues requiring consideration.

BACKGROUND

The proposed Structure Plan modification relates to Lot 220 Balmoral Drive and Lot 300 Hebrides Close, Quindalup within an area commonly referred to as 'McLachlan Ridge' within the Commonage rural residential area. A Location Plan and an Aerial Photograph of the subject site are provided as **Attachments A and B**, respectively.

Lot 220 (11.61ha) and Lot 300 (22.21ha) are both zoned 'Rural Residential' and included within the 'Landscape Value Area' designated in Local Planning Scheme No. 21. Each of the lots is located within the area subject to the Commonage Policy Area Consolidated Structure Plan (provided as **Attachment C**) and a subsequent Development Guide Plan (now referred to as a Structure Plan, provided as **Attachment D**) that was prepared to guide subdivision within the estate. Both of the lots contain significant areas of remnant native vegetation and neither of the lots currently contain any existing development.

The proposed Structure Plan modifications (provided as **Attachment E**) would enable further subdivision as follows:

- Lot 220 into four lots – three additional lots between 2.11ha and 2.43ha and a balance title of 4.9ha;
- Lot 300 into six lots – five additional lots of between 1.02ha and 1.41ha and a balance title of 16.4ha.

Technical reports provided in support of the proposal, discussed in further detail in this report, include:

- Environmental Assessment (2007)
- Flora Survey (2008)
- Local Water Management Strategy (2009)
- Bushfire Management Plans (2017) (extracted Bushfire Attack Level (BAL) Contour Maps provided at **Attachment F** and **Attachment G**)

STATUTORY ENVIRONMENT

The key elements of the statutory environment with respect to this proposal are set out in the relevant objectives, policies and provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Busselton *Local Planning Scheme No. 21*.

Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations came into operational effect on 19 October 2015 and introduced deemed provisions for the preparation, advertising and approval of structure plans. The deemed provisions are adopted into Local Planning Scheme No. 21 and define the process for receiving and assessing proposed structure plans and/or modifications to same. Local governments are to have 'due regard' to approved structure plans when making decisions relating to subdivision and development.

Local Planning Scheme No. 21

The subject properties are zoned 'Rural Residential', are located within a 'Landscape Value Area', and are each subject to the designation of an 'Additional Use' right. Each of these considerations are discussed below.

Rural Residential Zoning

The City's assessment of the subject proposal against the relevant objectives of the 'Rural Residential' Zone is as follows:

- (a) To encourage development for the purpose of closer rural settlement on land which is suitable for such a purpose, and is in reasonable proximity to existing urban areas;*

For reasons further discussed in the 'Officer Comment' section of this report, City officers do not believe that issues affecting the potential consolidation of rural residential development in this location have been adequately addressed.

Further, City officers consider that potential consolidation of rural residential development within the Commonage area should not occur on an ad-hoc or piecemeal basis and instead be advanced by the City in order for strategic considerations relating to bushfire risk, infrastructure, servicing, integrated road networks, *et al* to be addressed holistically.

(b) To ensure that development maintains the rural character of the locality, maintains a high level of residential amenity and minimises disturbance to the landscape through construction of buildings and structures, clearing, earthworks and access roads.

The subject proposal has not detailed or sought to address potential impacts to character and amenity that may result from additional subdivision occurring. This matter has been raised in public submissions and will be discussed in further detail in the 'Consultation' section of this report.

The City's assessment of the subject proposal against the relevant policies of the 'Rural Residential' Zone is as follows:

(a) To encourage rural residential subdivision by permitting a range of lot sizes in conventional subdivision subject to a general minimum lot area of 1 hectare with an average minimum lot area of approximately 2 hectares; and providing greater flexibility for lots created within appropriate cluster subdivisions or by strata or survey strata subdivision, dependent upon the special physical characteristics of the land.

The McLachlan Ridge estate has already been subdivided to the minimum average lot size allowable of 2 hectares. The subject proposal involves additional subdivision at a higher density without sufficient rationale and contrary to the guidance of the Commonage Policy Area Consolidated Structure Plan.

(e) To encourage generally, and require specifically in rural residential subdivision, the provision of vegetation and fauna corridors and the revegetation of the land.

(f) To adequately protect any areas or sites of conservation value within the design of any subdivision and development.

For the reasons discussed in the 'Officer Comment' section of this report, City officers consider that the subject proposal may compromise the achievement of these policies within the McLachlan Ridge area.

(g) To provide flexibility for the development of appropriately located and scaled tourist facilities consistent with preservation of residential amenity.

Lots 220 and 300 are each subject to an 'Additional Use' provision that provides for the development of six and nine chalets (respectively). As discussed below, City officers consider this to be the optimal form of providing for tourist accommodation in this location, and the existing lot sizes as best preserving the opportunity for the development of other types of tourist facilities as well.

(h) To implement to the adopted recommendations and outcomes of the Local Rural Planning Strategy, adopted by the local government and endorsed by the Commission.

This is discussed in the 'Relevant Plans and Policies' section of this report.

Landscape Value Area

The provisions of the Scheme relating to the 'Landscape Value Area' require development to be compatible with the maintenance and enhancement of the existing rural and scenic character and environmental values of the locality.

Potential impacts on character and amenity have been raised in public submissions, and are discussed in further detail in the 'Consultation' section of this report. Outstanding environmental issues identified by City officers are discussed in the 'Officer Comment' section of this report.

Additional Uses

Lot 220 is identified in the Scheme as being subject to 'Additional Use No. 75', and Lot 300 is subject to 'Additional Use No. 76', as follows:

No.	Particulars of Land	Land Use Permitted/ Specified	Conditions
A75	Pt Lot 4208 Biddle Road, Quindalup	Chalet	<ol style="list-style-type: none"> 1. The Additional Use specified shall be deemed to be a "D" use for the purpose of the Scheme. 2. Development is restricted to the Additional Use area depicted on the Scheme map. 3. Chalet development limited to a maximum number of six (6) chalets providing a variety of accommodation options to a maximum combined floor area of 900m² and reflect a rural tourist character.
A76	Pt Lot 4208 Biddle Road, Quindalup	Chalet	<ol style="list-style-type: none"> 1. The Additional Use specified shall be deemed to be a "D" use for the purpose of the Scheme. 2. Development is restricted to the Additional Use area depicted on the Scheme map. 3. Chalet development limited to a maximum number of nine (9) chalets providing a variety of accommodation options to a maximum combined floor area of 1350m² and reflect a rural tourist character.

The subject proposal is to modify the relevant Structure Plan only and does not discuss how these additional use provisions would subsequently apply. City officers consider that it is in the interests of orderly and proper planning to address whether it is intended to retain these additional use provisions and to initiate action to provide clarity and guidance for subsequent development. This matter is further discussed in the 'Officer Comment' section of this report.

RELEVANT PLANS AND POLICIES

The key policies relevant to the proposal are:

- *State Planning Policy 3.7: Planning in Bushfire Prone Areas* and the *Guidelines for Planning in Bushfire Prone Areas*;
- *State Planning Policy 6.1: Leeuwin-Naturaliste Ridge Policy*;
- *WA Planning Commission Draft Leeuwin Naturaliste Sub-regional Planning Strategy*;
- *City of Busselton Draft Local Planning Strategy*;
- *City of Busselton Local Rural Planning Strategy*, and;
- *Commonage Policy Area Consolidated Structure Plan*.

Each is addressed below under appropriate subheadings.

State Planning Policy 3.7: Planning in Bushfire Prone Areas (2015) and the Guidelines for Planning in Bushfire Prone Areas (2017)

State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) assists in reducing the risk of bushfire to people, property and infrastructure by encouraging a conservative approach to strategic planning, subdivision, development and other planning proposals in bushfire-prone areas.

SPP 3.7 applies to planning applications located on properties that are designated 'bushfire prone areas'. The SPP identifies information that is required to accompany a strategic planning proposal, being:

- A Bushfire Hazard Level (BHL) assessment determining the applicable hazard level(s) across the subject land;
- A Bushfire Attack Level (BAL) Contour Map where the lot layout of the proposal is known, to determine the indicative acceptable BAL ratings across the site;
- The identification of any bushfire hazard issues arising from the relevant assessment; and
- Clear demonstration that the proposal complies with the bushfire protection criteria of the Guidelines.

The *Guidelines for Planning in Bushfire Prone Areas* (version 1.3) supplement SPP 3.7 to assist with interpretation and provide advice on how bushfire risk is to be addressed when designing or assessing a proposal within a bushfire-prone area.

Further discussion on compliance of the subject proposal with SPP 3.7 and the Guidelines is provided in the 'Officer Comment' section of this report, and in relation to advice provided by the Department of Fire & Emergency Services. City officers do not consider that the subject proposal has adequately addressed bushfire risk management concerns.

State Planning Policy 6.1: Leeuwin-Naturaliste Ridge Policy (2003)

State Planning Policy 6.1: Leeuwin-Naturaliste Ridge Policy (LNRSP) defines the subject locality of the proposal as 'Rural Residential', and it is referred to as 'The Commonage'. It acknowledges that the locality has environmental features worth preserving despite being zoned and identified for Rural Residential development.

Draft Leeuwin Naturaliste Sub-regional Planning Strategy (2017)

The draft LNSPS was advertised in late 2017 and outlines the position of the WA Planning Commission in several ways relevant to this proposal:

- No support for the expansion of rural residential zoned areas unless already strategically identified;
- Support only for proposals that improve the management of bushfire risk;
- Concurrent consideration of bushfire risk management with landscape, ecological and biodiversity values and management plans;
- A presumption against further clearing and for the location of new development on cleared land.

City officers do not consider that bushfire and environmental issues have been sufficiently addressed in order that the subject proposal may be considered compliant with the relevant provisions of the draft LNSPS.

Draft City of Busselton Local Planning Strategy (2016)

The City's Draft Local Planning Strategy includes the provision to:

"Support and pro-actively plan to identify suitable areas for re-subdivision/consolidation of existing rural-residential development in both the Commonage and Dunbarton rural residential areas."

Supporting description is as follows:

“In accordance with the draft South West Planning and Infrastructure Framework no new rural residential areas are proposed and the strategy provides the scope to consider limited further subdivision and consolidation within the existing rural-residential areas of Commonage and Dunbarton, where there is seen to be a demonstrable community benefit and having regard to environmental, landscape/visual amenity and biodiversity values, as well as bushfire risk. This will contribute to the more efficient use of land, services and infrastructure and will maximise the number of rural residential lots without needing to alienate additional areas of rural land.”

As discussed in the ‘Officer Comment’ section of this report, the subject proposal is not considered by officers to sufficiently demonstrate achievement against the principles outlined, especially in terms of demonstrable community benefit.

Further, the position of City officers is that consolidation within identified rural residential areas should not occur on an ad-hoc or piecemeal basis and instead be advanced by the City in order for strategic considerations relating to bushfire risk, infrastructure, servicing, integrated road networks, *et al* to be addressed holistically, if consolidation is in fact going to occur.

City of Busselton Local Rural Planning Strategy (2006)

The subject land is located within Precinct 6 ‘Commonage’ of the Local Rural Planning Strategy. The strategy describes the precinct as *“comprising the existing Commonage Rural Residential Policy Area South of Dunsborough and north of Wildwood Road”*.

The vision of the precinct is to:

- *“consolidate rural residential land use and provide for diversification in small-scale and low-key tourist, rural and home based activities in a manner that sustains the existing natural environment, landscape values and residential amenity of the area with well-developed pedestrian and habitat/biodiversity links;”* and
- *“promote the retention of the rural amenity and appropriate scaled rural land uses where compatible with rural residential amenity”*.

Specifically relating to subdivision the strategy states that *“rural residential subdivision is limited to existing Rural Residential Zones and is in accordance with the adopted Structure and Development Guide Plans”*. Subdivision is also to be in accordance with SPP 6.1 and the Commonage Policy Area Consolidated Structure Plan.

Commonage Policy Area Consolidated Structure Plan (2004)

The Commonage Policy Area Consolidated Structure Plan (CPACSP) was endorsed by the City and the WAPC in 2004 as a guide to planning and development within the 'Commonage' area.

The subject site is identified on the CPACSP as being part of a ‘Cluster Precinct’, comprised of areas of land identified for closer subdivision as well as for open landscape/ rural production and revegetation corridors (limiting subdivision). The following provisions of the CPACSP are relevant:

- Structure Plan Notation 1 –
“Rezoning and subdivision of land within the Cluster Precinct for Rural Residential purposes shall be subject to the provisions of the Shire of Busselton Rural Strategy 1993 (average lot size 3ha). However Council may consider an increase in density (to average lot size 2ha) in respect of the Cluster Precinct provided that the proposed plan of subdivision is consistent with the Statement of Intent, adopts the principles of cluster design and development and the applicant can show to Council a demonstrable benefit to the community in departing from the provisions of the Rural Strategy.”

- Structure Plan Notation 4 –
“Additional subdivision of Rural Residential, Open Landscape or Rural Production lots shall not be supported by Council, except where specifically provided for on an endorsed Development Guide Plan.”
- Planning Policy Statement 2 –
“Rural residential subdivision of land within the Policy Area shall include a broad range of lot sizes in accordance with the Town Planning Scheme provisions and shall recognise areas of open landscape and remnant vegetation appropriately. Lots ranging upwards from 5,000m² may be considered by the Shire in the ‘Cluster Precinct’ only in subdivision proposals that adopt a clustered approach to design. Smaller lot sizes may also be considered where provided for on an endorsed development guide plan.”

For reasons outlined in the ‘Officer Comment’ section of this report, the subject proposal is considered inconsistent with these provisions of the CPACSP.

FINANCIAL IMPLICATIONS

There are not considered to be any long term financial implications for the City arising from the proposal.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of officers provided in this report is consistent with community objective 2.1 of the City’s *Strategic Community Plan 2017*, which is – ‘Planning strategies that foster the development of neighbourhoods that meet our needs as we grow’ and 3.1, being ‘Development is managed sustainably and our environment valued’.

RISK ASSESSMENT

An assessment of the potential implications of implementing the ‘Officer Recommendation’ has been undertaken using the City’s risk assessment framework. The assessment identified ‘downside’ risks only, rather than upside risks as well. In this regard, there are no significant risks identified.

It is noted that support for this proposal by the City or the WA Planning Commission may result in the establishment of a precedent for re-subdivision occurring within the Commonage rural residential area contrary to the Commonage Consolidated Structure Plan and without sufficient broad scale assessment of whether and where this might be appropriate.

CONSULTATION

The subject proposal was advertised for public consultation between 12 January 2018 and 1 March 2018.

This was extended beyond the required 28 day advertising period to enable potentially affected landowners to be notified of a modification to the originally advertised proposal. This modification – the relocation of the building envelope on proposed Lot 6, on existing Lot 300 – was requested by the proponent in order to align with the recommendations of the Bushfire Management Plan.

The proposal was also referred to the Department of Fire & Emergency Services and the Department of Biodiversity, Conservation & Attractions for comment. Preliminary advice received from the Department of Water & Environmental Regulation – on the potential need for revisions to the relevant local water management plan – indicated that referral to this agency was not necessary.

Thirteen submissions were received during the advertising period, including 12 submissions from members of the public and 1 submission from the Department of Fire & Emergency Services (DFES).

Advice was received from the DFES indicating that:

- DFES concurs with the assessment of the City regarding compliance with SPP 3.7 and the Planning for Bushfire Protection Guidelines, and notes the deficiencies that are required to be addressed;
- Access arrangements are not clearly substantiated or verified, and;
- The submitted Bushfire Management Plans require significant review before further consideration of the proposal can be undertaken.

A response has not been received from the Department of Biodiversity, Conservation & Attractions. Outstanding environmental considerations that warrant the advice of the Department are discussed in further detail in the 'Officer Comment' section of this report.

Public submissions have been recorded and summarised in the Schedule of Submissions provided as **Attachment H**. Each of these submissions either opposes the subject proposal and/or identifies various concerns, including:

- Impact on views, privacy, visual amenity and character from increased development;
- Impacts on neighbouring property values, and the equity of proposing this change following the development of the estate in accordance with the originally adopted Structure Plan;
- Lack of any tangible community benefit being demonstrated, with a potentially negative impact on neighbouring area;
- Extent of clearing of remnant native bushland and the impacts on the habitat and movement of fauna species;
- Existing bushfire risk and limitations of existing access;
- Operation of commercial holiday homes in the area impacting on traffic, noise and amenity;
- Noise, dust and traffic resulting from development activity.

Although some of the issues raised are not valid planning considerations these submissions have highlighted a number of relevant issues that, in the opinion of City officers, have not been adequately addressed within the proposal at this stage. Responses to these issues by officers are recorded in the Schedule of Submissions, and are further discussed in the 'Officer Comment' section of this report where indicated.

OFFICER COMMENT

Officers have undertaken an assessment of the proposal in accordance with the relevant legislative and policy framework and the proposal, as submitted, is not supported for the reasons identified below. The proponent was advised of the position of City officers at both pre- and post-lodgement stages.

Bushfire Risk Management

The Bushfire Management Plans (BMPs) submitted in support of this proposal do not meet the requirements of *State Planning Policy 3.7* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* ('the Guidelines') for the following reasons:

Qualification Requirements

The BMPs have not been prepared by a practitioner/s with the requisite level of qualifications.

The Guidelines, in outlining the accreditation requirements referred to in SPP 3.7, provide that the preparation of a BMP should be undertaken by a Level 2 or Level 3 Accredited Bushfire Planning Practitioner or, where a BMP does not meet the accepted standards outlined in the Guidelines and instead proposes to mitigate bushfire risk via performance-based solutions, by a Level 3 Accredited Practitioner.

The BMPs prepared in support of the subject proposal rely on a performance-based solution with regards to access arrangements (as discussed in further detail below) and have been prepared by a Level 1 BAL Assessor.

The City may currently exercise its discretion (although it is expected that this will change in the near future) in choosing to accept a BMP prepared by an under-qualified or unqualified practitioner. City officers would not recommend that this occurs without, or contrary to, the advice of the DFES (as the peak authority on such matters) as to the appropriateness of doing so in respect to the overall bushfire mitigation measures proposed.

Were the BMPs supporting the subject proposal prepared by a Level 3 Accredited Practitioner, the City could be confident in accepting that professional assessment (supported by requisite indemnity) of the bushfire mitigation measures proposed.

Currency with Guidelines

The submitted BMPs have been prepared, and subsequently updated, in accordance with version 1.1 of the Guidelines. However, the BMPs should have been reviewed and updated in accordance with the current version 1.3 of the Guidelines, particularly with regards to mapping standards.

Asset Protection Zones

With regards to Asset Protection Zones (APZs) –

- (i) The relocation of the building envelope for proposed Lot 6 (within existing Lot 300) is required in order for the accompanying APZ to be wholly contained within the proposed lot.
- (ii) The BMPs could be improved by more clearly denoting the width of the proposed APZs, which are identified in the table within a diagram only. Proposed at 15 metres width, comment and justification should also be provided, as this represents a variation from the 25 metre standard prescribed in the City's 'Firebreak and Fuel Hazard Reduction Notice' and does not therefore reflect the City's advised position. Notwithstanding this, the Guidelines (Appendix 4, Element 2, A2.1) allow for reduced APZs where a BAL construction rating of no greater than BAL-29 can be provided.
- (iii) Further, the use of *both* building envelopes and building exclusion areas is unnecessary and may result in confusion as to where future development may be allowed.

These three issues are considered to be relatively minor in nature and could potentially be resolved via revisions to the BMP and Structure Plan.

Bushfire Attack Level (BAL) Contours

With regards to the determination of Bushfire Attack Level (BAL) contours, details of the BAL determining inputs (eg. slope and vegetation clearing) have not been provided. There is a lack of clarity on how the BAL contours have been determined and, in turn, how the BAL levels internal to the boundary of the building envelopes were derived.

Details of the slope under vegetation have not been provided or the adjustment of BAL contours in relation to this clearly demonstrated, particularly as this might be expected to extend the BAL contours for proposed lots within Lot 220.

The BAL contours identified are also not consistent with the existing extent of vegetation, and the BMPs do not identify whether (and the extent to which) clearing is necessary within these areas. This matter requires immediate clarification in order for the environmental impact of this proposal to be considered in detail.

Secondary Access

The acceptable solutions of the Guidelines indicate (Appendix 4, Element 3, A3.1) that vehicle access is required to be provided via two or more alternate means, in order to allow multiple points of access and escape.

At present the McLachlan Ridge estate is serviced by a single means of vehicle access via the public road system (being via Balmoral Drive to Biddle Road, some 2 kilometres from the furthest of the proposed lots), and instead relies upon the provision of emergency access ways to support an unintegrated cul-de-sac road system. This is a result of this estate having been approved for development prior to more recently introduced bushfire protection requirements.

The Guidelines indicate (Part E3.1) that this can potentially be supported, as follows:

“Two-way access should be provided as a public road; however, where a public road cannot be provided, (this will need to be demonstrated by the proponent providing justification for why this cannot be achieved) an emergency access way may be considered.”

City officers consider that the intensification of land use within this area should therefore:

- (i) Incorporate means of improving access, where possible, and;
- (ii) Be assessed as a performance-based solution under the Guidelines.

At such time as land to the west (Lot 34 Sheoak Drive) is subdivided in accordance with a recently approved structure plan, a road connection between Sheoak Drive and the current termination of Kinross Loop will be constructed that provides this secondary means of access/ escape. However, this outcome:

- (i) Cannot be automatically required upon approval of the subject proposal;
- (ii) Would have to be negotiated with the owner of adjoining Lot 34, as it is contained within another structure plan area and is not otherwise provided for as part of the CPACSP, and;
- (iii) Will not ultimately occur until subdivision of this adjoining land, including construction of this road connection, is both approved and constructed.

The provision of improved secondary access, therefore, cannot necessarily be guaranteed by this means in order to support the intensification of land use that is currently proposed. This may well occur in the future but, in and of itself, this would not overcome City officers concerns with the subject proposal.

As the provision of secondary access via emergency access ways is considered an alternative and less desirable approach within the Guidelines, City officers consider that the BMPs for the subject proposal should clearly outline and address this issue as an alternative, performance-based solution to the provision of secondary access. This position is supported by the DFES.

Broadly, this issue of bushfire planning supports the position of the City that the piecemeal re-subdivision and consolidation of lots within Commonage is not appropriate or desirable.

Subdivision Opportunity & Flexibility of Lot Sizes

The 'Cluster Precinct' within the CPACSP allows for an average lot size of 3ha to be reduced to 2ha where this is "...consistent with the Statement of Intent, adopts the principles of cluster design and development and the applicant can show to Council a demonstrable benefit to the community in departing from the provisions of the Rural Strategy".

Across the McLachlan Ridge estate, 71 lots have been subdivided at an overall average lot size of 2ha (over a total area of approximately 142ha). Under the provisions of the CPACSP, the available subdivision opportunity within this area has been already exhausted (including the flexibility to conditionally achieve additional lots at a reduced average lot size) and the re-subdivision of existing lots would therefore further reduce the overall average lot size below that allowed for by the CPACSP.

Officers consider that the existing endorsed McLachlan Ridge Structure Plan incorporating the subject sites appropriately identifies and provides for the retention of the 'Open Landscape/ Rural Production' areas denoted on the CPACSP. Further subdivision of these areas is therefore inconsistent with the intent of the CPACSP and will diminish the environmental values and landscape/ visual amenity as well as compromise available opportunities for small scale rural production. This matter has not been addressed by the proponent to the satisfaction of the City, and is identified as a concern within public submissions.

The Draft LPS adopted by the City similarly identifies that additional subdivision will be considered by the City within the Commonage area "...where there is seen to be a demonstrable community benefit and having regard to environmental, landscape/visual amenity and biodiversity values, as well as bushfire risk". As discussed, the subject proposal has not adequately addressed or demonstrated compliance with any of these principles.

Further, the position of City officers is that consolidation within Commonage (as with other rural residential areas) should not occur on an ad-hoc or piecemeal basis and instead be reviewed and coordinated in a timely and strategic way by the City in order for considerations relating to bushfire risk, infrastructure, servicing, integrated road networks, ecological linkages, landscape values *et al* to be addressed holistically in the interest of orderly and proper planning. Given the breadth of issues concerned and the number of landowners involved in the case of Commonage, it is appropriate that such a review is coordinated by the City.

Were the Council and/or the WA Planning Commission to support this proposal, it would constitute support for ad hoc re-subdivision more or less throughout the Commonage.

Community Benefit

Notwithstanding that conditional subdivision flexibility under the CPACSP has already been exhausted, the subject proposal has not attempted to meet the 'demonstrable community benefit' criteria that would otherwise be applied to consideration of additional subdivision within the Cluster Precinct. In other similar circumstances such community benefit has been demonstrated as a requirement of subdivision approval through the creation of land for the development of community facilities, construction of desirable road connections and integrated networks, and the provision of developer contributions (ie. the South Biddle precinct developer contributions applied an 'above and beyond' community benefit not just 'as required' contributions for community infrastructure and facilities).

The current proposal fails to address this significant matter.

During the public advertising period City officers were approached by the applicant who proposed, as a means of providing community benefit, to improve the gravel accessway contained on Lot 2004 Hebrides Close (currently designated as a Pedestrian Access Way) to a rural road standard. City officers advised in response that this was not supported and would not result in any change to the City's position on the proposed structure plan modifications.

The conversion of this Pedestrian Access Way to a road reserve and its construction to a roadway standard provides for a very insignificant improvement to the access network with regards to bushfire risk mitigation. The effect of this proposal would be the extension of a cul-de-sac and reduction in the length of an emergency accessway, but this does not provide a meaningfully integrated road connection (further construction within, and re-dedication of, the former McLachlan Road reserve would be required) or sufficient secondary access to the McLachlan Ridge estate (due to its location within this area).

City officers consider that it is unlikely that this proposal would be broadly supported by the community as an adequate means of providing a demonstrated community benefit. City officers also consider that it is highly unlikely that landowners within the vicinity would broadly support this action on account of a recent decision by the City to close this portion of the former McLachlan Road reserve.

Any proposed means of demonstrating community benefit that is introduced for consideration should, at this stage, necessitate re-advertising of the subject proposal.

Environmental Matters

Environmental assessment and survey was completed comprehensively for the locality, including the subject sites, in 2007-08 and it is not expected that any significant change has occurred to local conditions to necessitate this work being repeated. While there has been recent changes in the requirements associated with vegetation clearing and impacts on listed fauna species, these obligations (where relevant) must be met by the proponent outside of the planning framework. Details of the extent of clearing required to accommodate proposed additional development and bushfire risk mitigation has not been specifically documented, and the acceptability, or otherwise, of this is therefore difficult to assess.

The proponent has not identified whether any changes to management plans for the Western Ringtail Possum and Western Grey Kangaroo are needed as a result of the modified subdivision layout. This matter was raised in several public submissions; however, advice has not been received from the Department of Biodiversity, Conservation & Attractions to allow for the City to reasonably determine whether it is necessary or not that this occurs. As such, City officers recommend that, should approval of the proposed modified Structure Plan be granted, a relevant condition is added (as a precautionary measure) to the Structure Plan that requires these fauna management plans to be updated to the satisfaction of that Department.

City officers have identified the need to relocate the building envelope on proposed Lot 6 (existing Lot 300) to enable the asset protection zone to be wholly contained within the lot; however, the existence of a building envelope in this general location has received specific comment within public submissions about the potential impacts on the privacy and amenity enjoyed by neighbouring landowners. The location of this building envelope is inappropriately located from this perspective, and City officers consider the deletion of proposed Lot 6 or the relocation of this building envelope would be a reasonable response. Notwithstanding, without resolving the ultimate location of this building envelope, and associated clearing requirements, the environmental impacts cannot be properly quantified.

The proposed modified Structure Plan identifies building envelope locations for each of the proposed lots but, in the absence of guidance on the potential development of chalets on each of the subject sites, it remains unclear how such development might relate to the proposed building envelopes and whether additional clearing may be required for this purpose.

Additional Use

As outlined in the 'Statutory Environment' section of this report, existing Lots 220 and 300 are subject to additional use provisions that permit the development of 6 and 9 chalets, respectively, to identified maximum floor areas.

Development Density and Impact

These provisions are contained in the Scheme and would therefore apply over and above what is foreshadowed in the proposed modified Structure Plan. The proposed modified Structure Plan would, if adopted, result in the potential to develop both 6 houses and 9 chalets on existing Lot 300 and both 4 houses and 6 chalets on existing Lot 220. This is well in excess of the density of development that exists elsewhere in the Commonage, and that could reasonably be expected to occur within a rural residential area under the existing planning framework.

This significant increase in development density has been noted in several submissions, and in the opinion of City officers it is reasonable to expect that this would result in a significant change to the character and amenity of the immediate local area. The effect of this density would be exacerbated by its confinement to those portions of Lots 220 and 300 that are not subject to development exclusion (by conservation covenant).

In the event that approval of the proposed modified Structure Plan was granted by the Council, although this is not the recommendation of City officers, additional measures and controls should be applied to mitigate potential impacts on visual amenity, privacy and landscape character.

Implementation

The subdivision of Lots 220 and 300 as per the proposed modified Structure Plan would result in a lack of clarity as to how these additional use provisions are applied. In particular, how the opportunity to develop chalets is apportioned between each of the proposed lots. It is also not clear from the subject proposal whether such additional uses are intended to be accommodated within the identified building envelopes or elsewhere, if at all.

In the event that approval of the proposed modified Structure Plan was granted, specific conditions should also be applied to the Structure Plan to guide the application of the additional use provisions (to properly situate and apportion chalet development).

Deletion of Additional Use Provisions

The potential development of chalets (additional uses) on fragmented rural residential allotments, as is in effect being proposed here, would be an undesirable planning outcome. Any consideration of closer subdivision should require the prior removal of any additional use right from these subject properties. The deletion of these additional uses could occur via a Scheme Amendment, thereby removing the ability to develop chalets; however, City officers consider that the development of rural residential lots instead of chalets might reduce the extent of this deleterious outcome but would still not represent a desirable outcome. The development of additional rural residential lots, as proposed, would result in a high development density and greater impacts on amenity.

Tourism Accommodation

The impact of holiday homes and tourism accommodation on adjoining landowners has been raised in a number of public submissions.

In considering the management of development density and impacts on amenity, as well as broader objectives supporting the tourism industry, City officers prefer the existing additional use provisions providing for chalet development over the potential for the development of commercial holiday homes on smaller rural residential lots.

The development of chalets on one or both of the existing lots (Lots 220 and 300) would involve common management, which typically supports a more responsive management regime to noise, privacy and other operational issues. The development of chalets also avoids mixing holiday homes and residential properties, and is more likely to be developed with a consistent design theme.

As such, any consideration of deleting the existing additional use provisions could not be assumed to address the concerns outlined by City officers and raised in public submissions where this was predicated on support for additional subdivision.

CONCLUSION

As a result of the assessment detailed above, City officers recommend that the Council provides a recommendation to the WA Planning Commission not to support the proposed modified Structure Plan. The reasons for this are, in the opinion of City officers, inconsistency with the following planning instruments:

- The objectives and policies of the 'Rural Residential' Zone in *Local Planning Scheme No. 21*, with regards to development density, landscape character, amenity and environmental considerations;
- Inconsistency of the proposal with the aims and objectives of the *Local Rural Planning Strategy* and the *Commonage Policy Area Consolidated Structure Plan*, on the basis that the subdivision potential in this locality has already been exhausted;
- Inconsistency with the principles of the *Draft Leeuwin-Naturaliste Sub-Regional Planning Strategy*, with regards to the inappropriate fragmentation of existing rural residential lots, and in consideration of bushfire risk, landscape/ character protection and environmental matters;
- Inconsistency with the principles of the *Draft Local Planning Strategy*, with regards to the consideration of bushfire risk, landscape/ character protection and environmental matters, and the lack of demonstrable community benefit provided, and;
- Inconsistency with the requirements of *State Planning Policy 3.7* and the *Planning for Bushfire Protection Guidelines* with regards to the mitigation of bushfire risk.

OPTIONS

The Council may consider alternatives to the 'Officer Recommendation', including supporting the subject proposal, with or without conditions to be specified. Officers do not recommend this option for the reasons outlined in this report.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Implementation of the Officer Recommendation would occur within 30 days of the date of the Council's decision.

COUNCIL DECISION AND OFFICER RECOMMENDATION**C1803/049** Moved Councillor Tarbotton , seconded Councillor L Miles

That the Council:

1. Pursuant to Part 4 of the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to forward the proposed modified Structure Plan to the WA Planning Commission for determination, inclusive of a recommendation not to support this proposal for the reasons specified in this report.
2. Pursuant to Cl. 19 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, endorses the Schedule of Submissions at **Attachment H** prepared in response to the public consultation undertaken in relation to the proposed modified Structure Plan.

CARRIED 9/0**EN BLOC**

13.1 SEASCAPE AND SCULPTURE WALK

SUBJECT INDEX:	Arts and Culture
STRATEGIC OBJECTIVE:	A community with access to a range of cultural and art, social and recreational facilities and experiences.
BUSINESS UNIT:	Community Services
ACTIVITY UNIT:	Community Services
REPORTING OFFICER:	Cultural Development Officer - Jacquie Happ
AUTHORISING OFFICER:	Director, Community and Commercial Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

PRÉCIS

This report seeks approval for Officers to progress a proposal for a sculpture walk to be installed on the Busselton Jetty. The report outlines the consultation undertaken, the process to be followed and anticipated timeframe.

BACKGROUND

Local resident Mrs Dianne Laurance approached the City of Busselton to create a sculpture walk on the Busselton Foreshore and it was recommended that the Busselton Jetty might also be a landscape for the sculptures. Mrs Laurance outlined her idea to Councillors at a lunchtime presentation in June 2017, the concept being she would invite West Australian philanthropists to commission, donate and install sculptures on the Busselton Jetty to create a world class seascape and sculpture walk along its length.

The presentation was received positively by Councillors, and Officers were asked to investigate the feasibility of sculptures being installed on the jetty. Consequently:

- A meeting of Officers, some Busselton Jetty Inc (BJI) staff and Board members was held to identify locations with suitable deck loads and access considering the legal requirements for areas around the Jetty Train operations;
- State Heritage Office provided general approval of the concept with the proviso that they are kept informed of progress as it develops;
- Department of Transport informed the City that no approvals were required;
- Presentations were made to BJI Board and BJI Members;
- Three community surveys were conducted over 3 months; and
- Council was provided with an update on the project during a briefing session.

This report recommends that Council approve the project to proceed, and permit Mrs Laurance to work with Officers to approach philanthropists to commission, donate and install sculptures on the Busselton Jetty with an unveiling or community celebration at completion of the project. The report notes that the project will have a small impact on the Public Artworks Maintenance budget from 2020/2021.

STATUTORY ENVIRONMENT

Jetties Act 1926

The Jetty is located on Crown land (Reserve 46715), which is vested with the City of Busselton for the purposes of 'Tourism, Recreation and Heritage'. Pursuant to Section 7 of the *Jetties Act 1926* the Department of Transport (DoT) granted the City a licence to construct, maintain and use the Busselton Jetty as a private jetty for purposes of recreation, tourism and heritage (DoT Licence).

Rail Safety Act 2010

To ensure compliance with the *Rail Safety Act 2010*, the City is obligated to inform the DoT of all additions and alterations to the jetty structure. The Office of Rail Safety can provide guidance on the management of risks associated with railway operations and make special provision for the control of particular risks arising from railway operations.

The DoT has been informed and no approvals are required from them for projects of this nature.

Heritage of Western Australia Act 1990

The Act provides for, and encourages, the conservation of places which have significance to the cultural heritage in the State with a range of regulatory orders to provide special protection for a place. The Busselton Jetty was listed on the State Heritage Register on 22 November 2013. Accordingly, Section 78 of the Act requires the State Heritage Office to be kept informed of the project to ensure that it visually integrates with heritage features of the Jetty and any works are fully reversible and do not damage historic fabric.

Curatorial Panel

The Curatorial Panel is not a statutory body and primarily provides an advisory role for Council and City Officers. The panel will ensure that the following is taken into consideration when assessing the sculptures and their location:

- Access for the Busselton Jetty Train operations;
- Capacity of the jetty deck loads; and
- themes of the sculptures are appropriate for the community and relate to the Jetty as outlined by the State Heritage Listing.

RELEVANT PLANS AND POLICIES

Social Plan 2015-2025

Public Artwork plays a key role in delivering the City's Social Plan 2015 – 2025 in providing a welcoming community with vibrant and attractive places and spaces where local heritage and culture is valued. In particular the Social Plan 2015-2025 identifies the need to facilitate the development of arts and culture by the continued implementation of the Cultural Plan and Local Cultural Planning Strategy (LCPS).

Local Cultural Planning Strategy

The City of Busselton adopted the LCPS in August 2011. The aim of the strategy is to conserve the key cultural elements of the City's towns and rural areas and to maintain these elements over time.

Cultural Plan

The City's Cultural Plan was adopted in 2005 and provides recommendations on the future directions of arts and culture in the City of Busselton and encourages the development of a collective community cultural vision and plan.

Asset Management Plan

The Local Government Act 1995 S5.56 (1) requires the Local Government to develop a "plan for the future" and further detail in relation to this requirement is provided in regulation 19 of the Local Government (Administration) Regulations. The Local Government is required to have a corporate business plan linking to long term financial planning that integrates asset management, workforce planning and specific council plans (informing strategies) with a strategic plan.

City of Busselton Jetties Local Law 2014

Written consent of the City is required under s2.19 (Miscellaneous Provisions) of the Busselton Jetties Local Law (2014) for the sculptures to be installed for the City through S2.19 1(e) place or display any sign, advertisement or fixture of any nature on the Land or on or from the jetties;

Under s3.1 Application for Consent s3.1 1 where a person is required to obtain the consent of the local government under this law, that the person must apply for the consent in the manner required by the local government, the City may approve its own project.

Busselton Jetty 50-Year Maintenance Plan

The Busselton Jetty 50-Year Maintenance Plan identifies the maintenance, capital replacement and capital upgrade tasks required to maintain the Busselton Jetty, including the exterior and structural maintenance of the Interpretive Centre and the Underwater Observatory, for the 50-year period from 2013 to 2062.

Maintenance will be required on the sculptures over the long term and the additional sculptures may need to be considered when determining the maintenance budget. However this would be a separate budget to the Busselton Jetty 50-Year Maintenance Plan.

Busselton Jetty Licence between the City of Busselton and the Busselton Jetty Inc (BJI) (2017)

The City of Busselton has entered a non-exclusive licence agreement with BJI to operate commercial activities on the Busselton Jetty. This project is expected to enhance the activities of the BJI. The BJI has been part of the consultation process and intimately involved in the projects progression and so are fully informed of and approve of the project.

FINANCIAL IMPLICATIONS

The commissioned sculptures and their installation will be funded by philanthropists and then donated to the City. Mrs Laurance has indicated that she would be interested in funding her own sculpture as well as part of the celebration. This should mean there should be limited financial implications for the City.

Long-term Financial Plan Implications

An annual budget of \$4,000 per annum will be required to be added to the maintenance budget for Public Artwork in anticipation of maintenance on artworks from the 2020/21 financial year.

STRATEGIC COMMUNITY OBJECTIVES

This policy is consistent with fostering the following strategic objective:

Key Goal Area 1 Community

- 1.3 A community with access to a range of cultural and art, social and recreational facilities and experiences.

RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation have been undertaken using the City's risk assessment framework, and no risks were identified where the residual risk, once controls are considered, is medium or greater.

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
Vandalism	Public Artwork Guidelines meaning robust artworks; Locating the artworks in places that are obvious	Low impact on reputation; some impact on financial	Is expected to occur	M16
Destruction	Sculptures are registered as assets of the City so are insurance	Low impact on reputation; some impact on financial (excess)	Could occur at some time	M13
Fishing equipment gets wrapped sculptures	None. Can be removed as required if not putting the staff at risk	Low impact on reputation	Is expected to occur	M11

CONSULTATION

Consultation has been undertaken through presentations and surveys as outlined below:

City of Busselton 21 June 2017	Council presentation
Busselton Jetty Inc 19 November 2017 22 November 2017	BJI Board presentation BJI Members presentation
Community Surveys 25 November 2017 November 31 January 2018	"30 th Anniversary Celebrations" Ratepayers Survey (undertaken by BJI) People who fish on the Jetty
City of Busselton 07 March 2018	Council update

Presentations to the BJI Board and then the members, was positively received with good audience interaction. Members of the BJI are very passionate about the jetty, so their positive feedback is valuable approval for the sculpture walk concept.

The results of three surveys showed that over 79% of the respondents support the concept of the sculpture trail. The respondents to the 30th Anniversary Celebrations and Fisherman surveys are those that love and feel strongly about any impact that a project may have on the jetty. This support and feedback is highly valued. The Ratepayer survey was across the broader community and the percentage was lowered due to the fact some people didn't know or care about the concept.

OFFICER COMMENT

This report recommends that Council approve the project to proceed, and permit Mrs Laurance to work with Officers to approach philanthropists to commission, donate and install sculptures on the Busselton Jetty.

Mrs Dianne Laurance will approach philanthropists to donate sculptures that will be installed along the Busselton Jetty and potentially the Busselton Foreshore. Approximately 10-15 locations have been identified on the Jetty in consultation with the BJI board and City Officers.

State Heritage Office is to be kept informed of the project to ensure that it visually integrates with heritage features of the Jetty and any works are fully reversible and do not damage its historic fabric. The DoT's initial response is that no approvals are required. As the project develops further information will be supplied to the State Heritage Office and DoT.

The anticipated process and timeline is subject to sponsors being interested in the project and the timeframes required for the artists to create their sculptures. Some sculptures may be installed earlier than anticipated.

March to October 2018:

- Mrs Laurance to commence seeking sponsorship
- Agreement for sculptures developed
- Brief sponsors and artists on themes, locations, deck loads and access
- Allocation of locations
- Potential sculpture concepts provided

October 2018 – October 2019:

- Report to State Heritage Office
- Curatorial Panel reviews
- Council approval of sculptures
- Sponsors commission approved sculptures

November 2019 – March 2020

- Sculptures created
- Sculptures installed
- Promotional material on sculptures developed
- Unveiling Event of Sculptures and celebration.

The Curatorial Panel will comprise key stakeholders including:

- Councillor;
- BJI Board member;
- Mrs Laurance;
- Public artwork consultant and
- City Officers.

The role of the Panel will be to assess the public artworks before they are approved, and recommend them to Council. This is a process so that artworks are in keeping with the cultural values and themes of the Jetty and the practicalities for their installation.

CONCLUSION

This project is a unique opportunity in that the sculptures are donated to the City to create a seascape and sculpture walk that will be a world class tourist attraction to the City of Busselton, as well as providing increased visitor numbers to the Busselton Jetty. The cost to the City is the increase in maintenance over time and budget that is required to implement the maintenance.

OPTIONS

Council may chose not to approve the concept and request further consultation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If the Officer Recommendation is approved, Mrs Laurance will be informed immediately whereby she will commence seeking sponsors for sculptures. It will take approximately two (2) years to complete the sculpture walk.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1803/050 Moved Councillor Tarbotton , seconded Councillor L Miles

That the Council approve to proceed with the seascape and sculpture walk on the Busselton Jetty and Mrs Dianne Laurance be authorised on behalf of Council to approach sponsors to donate sculptures for a sculpture walk on the Busselton Jetty.

CARRIED 9/0

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13.2 DRAFT GEOGRAPHE LEISURE CENTRE AND NATURALISTE COMMUNITY CENTRE MASTER PLANS

SUBJECT INDEX:	Geographe Leisure Centre Expansion and Naturaliste Community Centre Operations
STRATEGIC OBJECTIVE:	A community with access to a range of cultural and art, social and recreational facilities and experiences.
BUSINESS UNIT:	Community Services
ACTIVITY UNIT:	Recreation Services
REPORTING OFFICER:	Recreation Facilities Coordinator - Dave Goodwin
AUTHORISING OFFICER:	Director, Community and Commercial Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A A⇒ Attachment B B⇒

PRÉCIS

Masterplans for both the Geographe Leisure Centre (GLC) and the Naturaliste Community Centre (NCC) have been developed. The Plans contain a strategic review of current performance levels and recommend options to improve financial sustainability and developments over time to meet the needs of the growing and changing demographic which the centres service.

The draft Geographe Leisure Centre (GLC) and Naturaliste Community Centre (NCC) Master Plan Key Findings documents (Attachments A & B) were advertised for a period of 42 days for public comment closing on 6th February 2018.

This report provides a summary of the feedback received and a recommendation to note the GLC and NCC Masterplans as guides for future planning.

BACKGROUND

The development of masterplans for both the GLC and NCC has been identified on the City's corporate plan for a number of years

Customer feedback has raised issues with pool overcrowding, inadequate staffing, and lack of ablutions in the gymnasium, insufficient courts for basketball and some comments regarding poor levels of customer service.

A review of membership sales identified that the Centre loses nearly as many members as it attracts each month for a variety of reasons. The need for a review of centre operations and a plan for the future were prioritised in the 2016/2017 budget.

The NCC provides a diverse range of services including sporting, fitness, health, venue hire and Crèche and outside school hours care (Vacation Care) facilities and services. There have been no infrastructure developments or significant changes to operations and resourcing levels since the centre was built in 1996. The Centre is now at capacity particularly in relation to room hire and the community has raised issues around the need for additional court space, room hire and an aquatics facility.

During 2017 master plans were developed for both the GLC and NCC. In November 2017, the key findings and recommendations were presented at a Councillor briefing session. On 13 December 2017, key finding summary documents of the plans were reported to Council who resolved:

That the Council:

1. Approves the advertising of the draft Geographe Leisure Centre (GLC) Master Plan Key Findings (2017) for a period of 42 days for public comment and subject to feedback received adopts the reports as a guide for future planning.

2. Approves the advertising of the draft Naturaliste Community Centre (NCC) Master Plan Key Findings (2017) for a period of 42 days for public comment and subject to feedback received adopts the reports as a guide for future planning.

The consultation period was extended to allow an extended opportunity to receive public comment over the festive period.

STATUTORY ENVIRONMENT

Nil.

RELEVANT PLANS AND POLICIES

The Strategic Directions for the Sport and Recreation Industry (SD6) 2016-2020 advocates the need for the industry to optimise the value derived from public and private funding in tight fiscal circumstances.

The City of Busselton 2017/18 Corporate Plan identifies the need to develop master plans for the GLC and NCC to inform future facility planning.

The GLC and NCC support a number of goal areas in the City's Social Plan in recreation and leisure services, community health and wellbeing, seniors/ageing, children and family services and youth.

FINANCIAL IMPLICATIONS

The majority of the major recommendations contained within the Master Plans cannot be achieved through existing resources and will need to be considered in the development of future budgets in conjunction with other priorities.

Long-term Financial Plan Implications

The GLC and NCC Masterplans provide recommendations for whole of centre developments that optimise both centres at their current locations. The Plans propose staging over immediate, medium and longer term time frames with cost estimates totalling around \$27 million for the GLC and between \$8 million and \$10 million for NCC. The consultant has recommended a proposed staging for the GLC which is designed to reduce the impact overtime to the centre's net operating costs, burden on rates and City borrowings. Some but not all of the recommendations contained in the GLC and NCC Master Plans are included in the City's draft Long Term Financial Plan. There are also costing variations.

From the submissions received there is clearly discord between the community's desired timeframes and the priorities suggested in the Plans. The Plans will, therefore, need to be considered against the views expressed by the community, the City's ability to finance, subsidise with external funding and other community priorities when reviewing the Long Term Financial Plan and future GLC/NCC budgets.

STRATEGIC COMMUNITY OBJECTIVES

The GLC and NCC and Masterplans support the vision for a City "where environment, lifestyle and opportunity meet." In particular the GLC and NCC contribute to achieving this vision by supporting the following key goal areas:

Key Goal Area 1 - COMMUNITY: Welcoming, friendly and healthy.

Key Goal Area 2 - PLACE AND SPACES: Vibrant, attractive and affordable.

Key Goal Area 4 - ECONOMY: Diverse, robust and prosperous.

Key Goal Area 6 - LEADERSHIP: Visionary, collaborative and accountable.

The GLC and NCC are accessible to everyone and provide services and facilities that connect people to a range of social and recreation facilities and experiences. The facilities support people of all ages and backgrounds with access to affordable life-long health and educational opportunities. With over 100 staff they also provide employment opportunities and career pathways for the City's young people.

RISK ASSESSMENT

Officers did not identify any risks of medium or greater associated with the Recommendation.

CONSULTATION

During early 2017 consultation to develop the Master Plans took place with user groups, other key stakeholders and schools. Two consultation sessions were held, one at GLC and one at NCC.

Between February and April 2017 a public survey was conducted which aimed to attract responses from current users and non-users. The survey was promoted in the media, by advertising, Facebook, City website and displays at NCC and GLC. A total of 206 valid responses were received.

The Master Plans were advertised for a period of 42 days for public comment in the Council for Community page, on Your Say, at the GLC and NCC, and on the City's website and Facebook pages closing on 6th February 2018.

In relation to the GLC there were 248 respondents of which 98% of the respondents were users of the facility. For the NCC there were 68 respondents of which 85% stated their primary reason for visiting was to use the recreation centre whilst 15% said that their primary reason for visiting was to use the library.

OFFICER COMMENT

The GLC and NCC Masterplans identified a number of critical issues at both Centres as follows:

- Balancing community expectations with financial sustainability,
- Capability and capacity to extend infrastructure compromised by current site design constraints and issues associated with retrofitting;
- An increasing need for additional recreational infrastructure to be provided across all ages with a particular focus on family based activities;
- Role clarity of the GLC and NCC as provider of social benefit to the local community rather than as commercial facilities which will generate a profitable return;
- Funding of the GLC and NCC has not kept up with growth and usage and is now impacting on the service capability of the Centres (particularly in the fitness and aquatics areas of GLC).
- Staffing levels and lack of investment which expose the City to potentially unacceptable risk (particularly in regard to water and personal safety at GLC and after hours usage at the NCC); and
- The shortage of water space for activities such as shallow water swimming lessons exacerbated by the now inappropriate design.(i.e. overall water area may be satisfactory at GLC but the depth and configuration are not).

The GLC was benchmarked against industry standards which showed, in comparison to regional benchmarks, it is an extremely high performing Centre despite its current limitations. The NCC also operates very efficiently but is now unable to expand or develop programs due to staffing and space constraints. Without further investment both Centres will merely 'tick over' and as infrastructure ages will become increasingly costly to subsidise. Population forecasts for both Busselton and Dunsborough demonstrate the need to expand both current facilities in the future to address increased utilisation.

To capitalise on previous investments and to address the needs of the City's growing population; the Master Plans recommend a series of options for the future development and resourcing of the GLC and NCC which can be considered over the next 20- year timeframe. These options are prioritised with the objective of providing the most sustainable solutions for the ongoing financing of the Centres' operations, providing the greatest return on investment to reduce the burden on municipal funding, noting that the Centres will never break even or become profit generating. The order of priority can be changed to recognise specific community group priorities however any change could adversely affect the centres' operating deficit. The options were documented in the key findings documents and released for public comment.

In relation to the GLC the options as recommended by the consultant were as follows:

Immediate term - focuses on aquatics space which is currently overcrowded not fit for purpose and needs considerably more programmable space to generate revenue and includes:

- Separation and expansion of the indoor pool
- Reconfiguration and construction of more change rooms
- Additional parking of over 150 bays
- Construct Clubrooms
- More storage
- Replacement of Outdoor pool liner (scheduled for April 2018)

Medium Term - focuses on realignment of some service areas to enhance customer experience and generate secondary spend and includes:

- Café and retail relocated to front of centre
- Alignment of fitness services
- Ablutions in gymnasium
- Relocation and centralisation of staff room and offices

Long Term - focuses on the expansion of the centre outside of the existing building footprint and includes:

- Construction of a 50m pool
- Construction of a Family change room centre
- Construction of an extra 3 courts
- Water slide (s)

The Master Plan key findings and recommendations were advertised for public comment for a period of 42 days. Of the responses received for the GLC 70% supported or somewhat supported the immediate term recommendations, 69% supported or somewhat supported the medium term recommendations and 75% supported or somewhat supported the long term recommendations. The majority of concerns expressed were in relation to the timing of the development rather than the developments themselves with many submissions requesting that developments such as the courts and the 50m pool be brought forwards to the immediate term.

The consultant provided two (2) options for the NCC, one retaining the library on site the other relocating it. The option to relocate the library enabled the development of a swimming pool in the future. Both options include the following developments;

- Additional multipurpose room
- Realign reception to central service hub.
- Re-alignment of staff room and managers/library offices.
- Increased levels of storage across the centre.
- Provision of a new multi-purpose sports court adjacent to existing court infrastructure with shared storage and ablutions (existing).
- Extension to crèche.
- Rationalise current circulation and seating area with potential to include a mobile café /coffee infrastructure.
- Options for an integrated gym /group fitness area
- Provision of an outdoor courtyard and access to grassed area for personal training/recreation.
- Realignment of access road and car parking

63% of the public submissions received for the NCC supported or somewhat supported Option 1 while 65% of the respondents supported or somewhat supported Option 2. Community concerns included opinion that impacts on the Windlemere Reserve, that the NCC didn't need a café or gym due to there being enough in town and some respondents requested a 25 m pool as a priority.

CONCLUSION

The public submissions largely support the consultant's development recommendations in the GLC and NCC Masterplans but would prefer developments to occur sooner or in a different sequence to those proposed.

Both development options at the NCC were largely supported with or without the library remaining on site; however a number of the respondents had concerns regarding environmental impacts to Windlemere Reserve.

It is recommended that Council note the recommendations in the GLC and NCC masterplans and consider the proposed developments, the suggested staging, associated costs and resourcing implications with other priorities and the community's feedback in current and future reviews of the Long Term Financial Plan and GLC and NCC budget development processes.

OPTIONS

Alternatively Council could seek specific changes to the GLC and NCC Master Plans and/or request further community consultation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Timeline is in line with the LTFP and operational budget reviews.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1803/051 Moved Councillor Tarbotton , seconded Councillor L Miles

That the Council:

Notes the GLC and NCC Masterplans as guides for future planning and considers them and the recommended priorities for staged developments and associated operating resources in current and future reviews of the City's Long Term Financial Plan.

CARRIED 9/0

EN BLOC

14.2 LONG TERM FINANCIAL PLAN 1 JULY 2018 TO 30 JUNE 2028

SUBJECT INDEX:	Financial Plans and Strategies
STRATEGIC OBJECTIVE:	Assets are well maintained and responsibly managed.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Financial Services
REPORTING OFFICER:	Manager Financial Services - Kim Dolzadelli
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

PRÉCIS

The draft Long Term Financial Plan ('LTFP') has been subject to workshops with Councillors held in February/March 2018. As a result of the most recent workshop this report now presents the LTFP for formal consideration and endorsement by the Council.

The author also requests that staff and Councillors identify whether they may have any financial or proximity interests with respect to any of the proposed capital works projects being near to or adjacent to properties they might own.

BACKGROUND

In accordance with Section 5.56 of the Local Government Act (the 'Act'), and regulations 19C and 19DA of the Local Government (Administration) Regulations (the 'Regulations') a local government is to plan for the future of its district. This is achieved by adhering to the Integrated Planning and Reporting Framework (IPRF) developed by the Department of Local Government and Communities which incorporates the development and adoption of a number of key documents, including a Strategic Community Plan (SCP) a Corporate Business Plan (CBP) and a Long Term Financial Plan (LTFP).

Whilst a SCP sets out the community's aspirations, visions and objectives over a ten year period, a more detailed CBP identifies and prioritises the principal strategies and activities required to achieve the higher level SCP outcomes, over a four year time frame.

The LTFP component is required to demonstrate a local government's financial capacity to resource its identified CBP actions, and also its ability to resource its asset management plan obligations and projected workforce growth requirements, as detailed in the relevant plans. The Financial Plan also identifies major areas of income and expenditure anticipated over the balance of the 10 year time frame.

Prior to presentation to Councillors for workshopping, the LTFP was subject to internal scrutiny and input of Senior Management. This was not only to confirm the LTFP's continued alignment with the SCP and CBP, but also to certify that the LTFP continues to reflect sound financial principles.

STATUTORY ENVIRONMENT

Section 5.56 of the Act requires local governments to plan for the future of their districts. Regulations 19C and 19DA provide specific guidance to local governments in relation to planning for the future. The Department of Local Government and Communities has issued an Integrated Planning & reporting Guideline and the LTFP is consistent with these requirements.

The IPRF looks to integrate matters relating to resources, including asset management, workforce planning and also long-term financial planning.

RELEVANT PLANS AND POLICIES

From an IPRF perspective, the LTFP has a direct relationship with the Council's SCP and more particularly with the CBP 2017/2018 – 2020/2021. The LTFP also reflects the financial implications associated with other key resourcing documents; namely the Workforce Plan and Asset Management Plans.

In addition to the above, the LTFP incorporates the funding requirements associated with a range of other Council endorsed Plans and Policies.

FINANCIAL IMPLICATIONS

The financial implications of adopting the Plan are detailed within the Plan but adopting the Plan does not result in approval being given to implement any actions contained within it. Priorities will be included within the City's annual budget which will be considered in July 2018. The LTFP reflects the Council's broad strategic financial direction over the next ten year period, in line with its SCP and CBP.

STRATEGIC COMMUNITY OBJECTIVES

This matter principally aligns with Key Goal Area 6 – 'Leadership Visionary, collaborative, accountable' and more specifically Community Objective 6.4 - 'Assets are well maintained and responsibly managed'.

RISK ASSESSMENT

The risks associated with the Council endorsing the LTFP are limited. In addition to its being a guiding document only, the LTFP is also a living document which will continue to be formally reviewed and updated on an annual basis. Consequently, the Council has the ability to amend the content of the Plan as and when circumstances necessitate; albeit that material amendments (relating to CBP activities) may be required to be reported as part of the Annual Report.

Notwithstanding the above, a level of risk is always inherent in projecting in to the future. Whilst the extrapolation assumptions, interest rate projections (borrowings) and other variable assumptions are based on historical averages, these are subject to fluctuation and external shocks beyond the control of Council.

The LTFP demonstrates the financial capacity for the Council to deliver on the services as detailed in the higher level strategic plans, consistent with the underpinning assumptions. However in order to minimise or mitigate financial risk, any decisions to enter into financial arrangements in future years must not be undertaken based solely on the prevailing LTFP projections.

CONSULTATION

The LTFP reflects the community's aspirations, vision and objectives as included in the SCP 2017, and is consistent with the principal strategies and activities within the CBP 2017/2018 – 2020/2021. Consequently, no specific (external) consultation has been undertaken in relation to the content of the LTFP, as the projects incorporated will more than likely be the subject of further consultation and review.

Workshops were also held with Councillors and the Senior Management Group on 26 February, 1 March and 14 March 2018.

OFFICER COMMENT

The following commentary provides an overview of the LTFP development, the outcomes of the subsequent Councillor workshop and provides an overview of the LTFP as presented for formal consideration.

LTFP Development

The LTFP 2018/19 – 2027/28 has been developed in a manner similar to previous years with some notable differences in relation to estimation of extrapolation assumptions. A high level summary of this process is provided as follows:

- The currently adopted budget (2017/18 budget) formed the basis for the operating revenue and expenditure. With non-recurrent and periodic items adjusted/deleted, and stand-alone funding models excluded (eg. Busselton Regional Airport), the remaining operating revenues and expenditures were then projected out via the extrapolation assumptions.
- A conservative approach was taken when estimating the extrapolation assumptions. In preparing this year's LTFP assumptions, significant historical analysis was undertaken. This included a particular focus of the following:
 - Growth in number of rateable properties.
 - Analysis of CPI, interest rates and cash deposit rates.
 - Analysis of electricity price increases
 - Analysis of wages and salaries increases.
- Following the update of the extrapolation assumptions, the capital revenue and expenditure components were moved forward one year, with new Year 10 figures added (either via the provision of specific allocations or ongoing percentage increases as relevant). This process also involved the review of major projects expenditure, and whether any specific adjustments are required to be reflected in the revised LTFP.

Prior to presentation to Councillors, based on the above approach, work had been undertaken in relation to review of the 'base line' LTFP. Part of this process involved the Senior Management Group reviewing the LTFP across a number of areas, including but not limited to:

- Ensuring the LTFP continued to reflect the strategies and activities in the Councils currently adopted SCP and CBP;
- Reprioritisation and update of capital project spend throughout the LTFP based on availability of funding;
- Review of the extrapolation assumptions for reasonableness and ensure the LTFP reflects realistic and supportable projections;
- Revision of the rate increases included in the LTFP including comparison to prior years LTFP rate increases and ensure those increases do not exceed 4.5% in any one year, the proposed rate increase have in effect been reduced in the proposed plan from the last LTFP;
- Ensure the LTFP identifies any potential funding deficits, with a particular focus on the initial years of the plan and identify potential actions to address those deficits.

For comprehensive/detailed information with respect to the LTFP readers are directed to Attachment A “Long Term Financial Plan 2018/2019 – 2027/2028” which comprises of the following statements:

- Statement of Comprehensive Income by Nature and Type,
- Statement of Financial Position,
- Statement of Changes in Equity,
- Statement of Cash Flows,
- Rate Setting Statement,
- Schedule of Capital Works,
- Schedule of Loans and Borrowings ,
- Schedule of Reserve Movements,
- Schedule of Major Building Assets - Asset Renewal Funding going to Reserve,
- Long Term Financial Plan Assumptions, and
- Operational Funding Opportunities and Expenditures (Future) Included in LTFP.

CONCLUSION

The LTFP 2018/19 – 2027/28 has been reviewed and updated cognisant of the Council’s current SCP, its currently adopted CBP, and also the associated informing plans. In addition to amendments and additions ratified by the Council since the endorsement of the current plan in April 2017, this plan has been further updated to reflect the outcomes of recent Councillor Workshops held during February/March 2018.

Subject to endorsement, the LTFP will be utilised to guide the Council’s 2018/19 budget development. With the plan being reviewed and updated annually, it will also be pivotal in informing future annual budget development processes. The Plan will also be invaluable to assisting the Council in deliberating future financial obligations, particularly as they relate to the higher order SCP (and associated CBP) and providing direction to the City’s administration on priority of future projects.

The LTFP 2018/19 – 2027/28 is considered realistic in its assumptions. It is also considered to be achievable, with the City comfortable in its ability to deliver on the Plan’s content. With this in mind, it is recommended that the Council endorses the LTFP 2018/19 – 2027/28 as presented, noting that Officers will then prepare a version of the document including commentary for publication.

OPTIONS

The Council may determine to further amend the content of the LTFP.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Subject to endorsement, the LTFP will inform the 2018/19 budget process and outcomes, which in turn will form the basis of the following years LTFP. It is intended to place the LTFP report and associated attachments, noting that Officers will then prepare a version of the document including commentary for publication on the City’s website and a professionally printed hard copy will also be provided.

COUNCIL DECISION AND OFFICER RECOMMENDATION**C1803/052** Moved Councillor Tarbotton , seconded Councillor L Miles

That Council endorses the Long Term Financial Plan 2018/19 to 2027/28, comprising of the financial statements and supporting schedules as attached to this report, noting that Officers will then prepare a version of the document including commentary for publication.

CARRIED 9/0**EN BLOC**

15.1 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors Information
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Administration Officer - Governance - Katie Dudley
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications received by the City between 16 February, 2018 and 28 February, 2018 ⇒
	Attachment B Planning Applications determined by the City between 16 February, 2018 and 28 February, 2018 ⇒
	Attachment C State Administrative Tribunal (SAT) Appeals ⇒
	Attachment D Meelup Regional Park Informal Meeting Notes ⇒

PRÉCIS

This report provides an overview of a range of information that is considered appropriate to be formally presented to the Council for its receipt and noting. The information is provided in order to ensure that each Councillor, and the Council, is being kept fully informed, while also acknowledging that these are matters that will also be of interest to the community.

Any matter that is raised in this report as a result of incoming correspondence is to be dealt with as normal business correspondence, but is presented in this bulletin for the information of the Council and the community.

INFORMATION BULLETIN

15.1.1 Planning and Development Statistics

Planning Applications

Attachment A is a report detailing all Planning Applications received by the City between 16 February, 2018 and 28 February, 2018. A total of 37 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 16 February, 2018 and 28 February, 2018. A total of 17 applications (including subdivision referrals) were determined by the City during this period with 17 approved / supported and 0 refused / not supported.

15.1.2 State Administrative Tribunal (SAT) Appeals

Attachment C is a list showing the current status of State Administrative Tribunal Appeals involving the City of Busselton as at 8 March, 2018.

15.1.3 Meelup Regional Park Informal Meeting Notes

Attachment D shows the Meelup Regional Park Informal Meeting Notes for the meeting held on 26 February 2018.

COUNCIL DECISION AND OFFICER RECOMMENDATION**C1803/053** Moved Councillor Tarbotton , seconded Councillor L Miles

That the items from the Councillors' Information Bulletin be noted:

- 15.1.1 Planning and Development Statistics
- 15.1.2 State Administrative Tribunal (SAT) Appeals
- 15.1.3 Meelup Regional Park Informal Meeting Notes

CARRIED 9/0**EN BLOC**

ITEMS TO BE DEALT WITH BY SEPARATE RESOLUTION WITHOUT DEBATE

10.2 Finance Committee - 15/03/2018 - FINANCIAL ACTIVITY STATEMENTS INCORPORATING BUDGET REVIEW - PERIOD ENDING 28 FEBRUARY 2018

SUBJECT INDEX:	Budget Planning and Reporting
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Financial Services
REPORTING OFFICER:	Manager Financial Services - Kim Dolzadelli
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A FINANCIAL ACTIVITY STATEMENTS INCORPORATING ⇒ Attachment B INVESTMENT REPORT PERIOD ENDING 28 FEBRUARY 2018⇒

This item was considered by the Finance Committee at its meeting on 15 March 2018, the recommendations from which have been included in this report.

PRÉCIS

Financial Activity Statements

Pursuant to Section 6.4 of the Local Government Act ('the Act') and Regulation 34(4) of the Local Government (Financial Management) Regulations ('the Regulations'), a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the City's financial performance in relation to its adopted/ amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the City's financial performance on a year to date basis for the period ending 28 February 2018.

Review of Budget

Between January and March in each financial year, a local government is to carry out a review of its annual budget for that year. The Council is required to consider the review submitted to it and determine (by absolute majority) whether or not to adopt the review, any parts of the review or any recommendations made in the review.

BACKGROUND

Financial Activity Statements

The Regulations detail the form and manner in which financial activity statements are to be presented to the Council on a monthly basis; and are to include the following:

- Annual budget estimates
- Budget estimates to the end of the month in which the statement relates
- Actual amounts of revenue and expenditure to the end of the month in which the statement relates
- Material variances between budget estimates and actual revenue/ expenditure/ (including an explanation of any material variances)
- The net current assets at the end of the month to which the statement relates (including an explanation of the composition of the net current position)

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting of 26 July 2017, the Council adopted (C1707/163) the following material variance reporting threshold for the 2017/18 financial year:

“That pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations, the Council adopts a material variance reporting threshold with respect to financial activity statement reporting for the 2017/18 financial year as follows:

- *Variances equal to or greater than 10% of the year to date budget amount as detailed in the Income Statement by Nature and Type/ Statement of Financial Activity report, however variances due to timing differences and/or seasonal adjustments are to be reported on a quarterly basis; and*
- *Reporting of variances only applies for amounts greater than \$25,000.”*

Review of Budget

The requirement for a local government to carry out an annual budget review is prescribed via Regulation 33A of the Local Government (Financial Management) Regulations.

Essentially, the purpose of an annual budget review is to ensure that a local government conducts a review of its financial performance at an appropriate time in the financial year such that any significant budget variances can be identified and remedial action instigated as necessary; prior to financial year end.

This report, based on the City’s financial performance for the period ending 28 February 2018, has been compiled to fulfil the statutory reporting requirements of the Local Government Act and associated Regulations in respect of the annual budget review process.

STATUTORY ENVIRONMENT

Financial Activity Statements

Section 6.4 of the Local Government Act and Regulation 34 of the Local Government (Financial Management) Regulations detail the form and manner in which a local government is to prepare financial activity statements.

Review of Budget

33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government’s financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

RELEVANT PLANS AND POLICIES

Not applicable.

FINANCIAL IMPLICATIONS

Any financial implications are detailed within the context of this report.

Long-term Financial Plan Implications

Any financial implications are detailed within the context of this report.

STRATEGIC COMMUNITY OBJECTIVES

This matter principally aligns with Key Goal Area 6 – ‘Open and Collaborative Leadership’ and more specifically Community Objective 6.1 - ‘Governance systems, process and practices are responsible, ethical and transparent’. The achievement of the above is underpinned by the Council strategy to ‘ensure the long term financial sustainability of Council through effective financial management’.

RISK ASSESSMENT

Risk assessments have been previously completed in relation to a number of ‘higher level’ financial matters, including timely and accurate financial reporting to enable the Council to make fully informed financial decisions. The completion of the monthly Financial Activity Statement report is a control that assists in addressing this risk.

CONSULTATION

Not applicable

OFFICER COMMENT

In order to fulfil statutory reporting requirements, and to provide the Council with a synopsis of the City’s overall financial performance on a full year basis, the following financial reports are attached hereto:

▪ Statement of Financial Activity

This report provides details of the City’s operating revenues and expenditures on a year to date basis, by nature and type (i.e. description). The report has been further extrapolated to include details of non-cash adjustments and capital revenues and expenditures, to identify the City’s net current position; which reconciles with that reflected in the associated Net Current Position report.

▪ Net Current Position

This report provides details of the composition of the net current asset position on a full year basis, and reconciles with the net current position as per the Statement of Financial Activity.

▪ Capital Acquisition Report

This report provides full year budget performance (by line item) in respect of the following capital expenditure activities:

- Land and Buildings
- Plant and Equipment
- Furniture and Equipment
- Infrastructure

- Reserve Movements Report

This report provides summary details of transfers to and from reserve funds, and also associated interest earnings on reserve funds, on a full year basis.

Additional reports and/or charts are also provided as required to further supplement the information comprised within the statutory financial reports.

COMMENTS ON FINANCIAL ACTIVITY TO 28 February 2018

The Statement of Financial Activity for the period ending 28 February 2018 shows a better than expected Net Current Position (Surplus) of \$12.43M being \$12.14M more than Year to Date Budget.

The following summarises the major variances in accordance with *Council's adopted material variance reporting threshold* that collectively make up the above difference:

Description	2017/2018 Actual	2017/2018 Amended Budget YTD	2017/2018 Amended Budget	2017/18 YTD Bud Variance	2017/18 YTD Bud Variance
	\$	\$	\$	%	\$
Revenue from Ordinary Activities	61,839,705	61,166,898	66,421,049	1.10%	672,807
Expenses from Ordinary Activities	(44,408,843)	(46,664,069)	(68,754,825)	4.83%	2,255,226
Non-Operating Grants, Subsidies and Contributions	8,054,150	17,527,484	43,655,339	-54.05%	(9,473,334)
Profit on Asset Disposals	48,793	16,100	22,400	203.06%	32,693
Loss on Asset Disposals	(491,549)	(5,250)	(6,252)	-9262.84%	(486,299)
Capital Revenue & (Expenditure)					
Land & Buildings	(3,569,057)	(12,945,284)	(16,556,693)	72.43%	9,376,227
Plant & Equipment	(1,141,827)	(2,758,236)	(4,279,400)	58.60%	1,616,409
Furniture & Equipment	(381,959)	(665,982)	(830,212)	42.65%	284,023
Infrastructure	(25,242,797)	(38,233,968)	(60,684,321)	33.98%	12,991,171
Proceeds from Sale of Assets	283,593	372,850	635,150	-23.94%	(89,257)
Proceeds from New Loans	110,000	10,110,000	10,110,000	-98.91%	(10,000,000)
Advances to Community Groups	(110,000)	(260,000)	(260,000)	57.69%	150,000
Transfer to Restricted Assets	(1,850,761)	(411,501)	(625,751)	-349.76%	(1,439,260)
Transfer from Restricted Assets	13,199,259	11,354,556	27,808,739	16.25%	1,844,703
Transfer to Reserves	(9,243,826)	(11,543,652)	(16,285,572)	19.92%	2,299,826
Transfer from Reserves	2,055,406	1,146,659	19,921,964	79.25%	908,747

Operating Revenue:

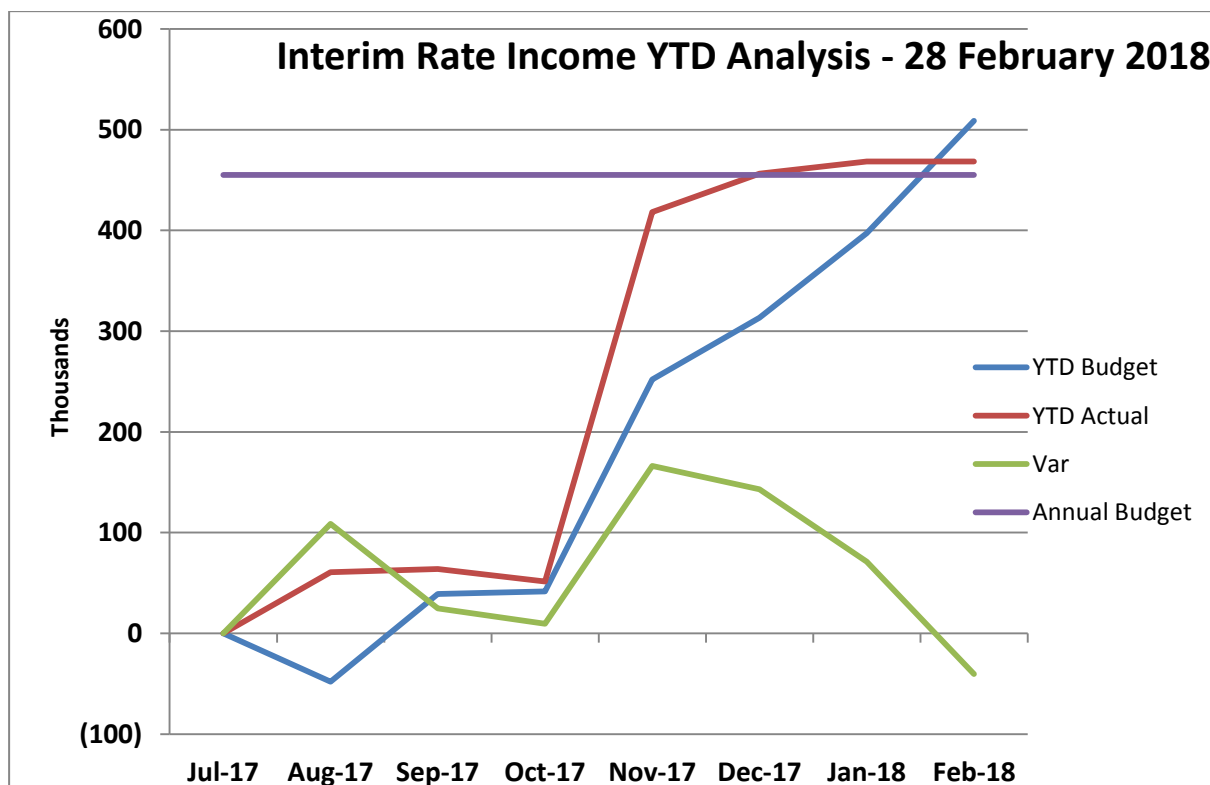
Revenue from ordinary activities is \$672K more than expected when compared to Year to Date (YTD) Budget with the following items meeting the material variance reporting threshold set by Council for the 2017/2018 Financial Year.

Description	2017/2018 Actual	2017/2018 Amended Budget YTD	2017/2018 Amended Budget	2017/18 YTD Bud Variance	2017/18 YTD Bud Variance
	\$	\$	\$	%	\$
Revenue from Ordinary Activities					
Other Revenue	342,103	274,573	426,167	24.59%	67,530
Interest Earnings	1,805,563	1,508,664	2,262,996	19.68%	296,899

The items predominately impacting the above "Other Revenue" performance is CLAG (Contiguous Local Authority Group) Funding in the amount of \$48K, this item is to be transferred to Trust and Sale of Scrap Materials \$44K.

Interest earnings on Reserves and Restricted funds are currently ahead of YTD Budget in the amount of \$234k with \$84k in Rate Instalment interest currently ahead of YTD Budget, this second item is a timing difference only and it is also expect that Interest earnings on Reserves and Restricted funds will reduce in the coming months as funds are further drawn down to finance Capital projects contained within the City's 2017/2018 Budget.

The Officer notes that the above positive performance of "Other Revenue" and "Interest Earnings" is added to by a positive collective performance of \$308k for Rates, Operating Grants and Subsidies, and Fees and Charges; these items fall below the Material Variance reporting thresholds. The above variations are considered to be that of a timing difference at this stage of the Budget Year with the exception of Rate Revenue which is expected to be a permanent variation. This permanent variation is expected to be in the vicinity of \$300k.



In summary, net operating revenue is projected to be slightly higher than the annual budget estimates with a projected favourable variance of approximately \$350K.

Operating Expenditure:

Expenditure from ordinary activities is \$2.25M less than expected when compared to Year to Date (YTD) Budget with the following items meeting the material variance reporting threshold set by Council for the 2017/2018 Financial Year.

Description	2017/2018 Actual	2017/2018 Amended Budget YTD	2017/2018 Amended Budget	2017/18 YTD Bud Variance	2017/18 YTD Bud Variance
	\$	\$	\$	%	\$
Expenses from Ordinary Activities					
Materials & Contracts	(9,630,094)	(11,292,985)	(16,914,999)	14.72%	1,662,891
Utilities (Gas, Electricity, Water etc)	(1,595,705)	(1,721,053)	(2,580,822)	7.28%	125,348
Allocations	1,057,434	1,193,962	1,996,270	11.43%	(136,528)

Materials and Contracts:

The main items affected are listed below, at this stage the majority of these variances are considered to be that of a timing nature with an expectation that there will be offsets for under and over expenditure items resulting in a better than expected result at year end:

Cost Code	Cost Code Description / GL Activity	YTD Variance
<u>Finance and Corporate Services</u>		
10251	Business Systems	164,791
Subtotal		164,791
<u>Community and Commercial Services</u>		
10591	Geographe Leisure Centre	64,189
10600	Busselton Jetty Tourist Park	59,421
10635	Regional Centres Program	80,000
10900	Cultural Planning	30,531
11151	Airport Operations	(35,987)
Subtotal		198,153
<u>Planning and Development Services</u>		
10820	Strategic Planning	122,224
10830	Environmental Management Administration	59,007
10850	Implement Management Plans Other	31,222
10925	Preventative Services - CLAG	63,996
11170	Meelup Regional Park	72,530
Subtotal		348,979
<u>Engineering and Works Services</u>		
11101	Engineering Services Administration	78,727
11106	Street Lighting Installations	94,826
11108	Rural Intersection (Lighting) Compliance	30,000
11160	Busselton Jetty	372,101
12600	Street & Drain Cleaning	27,419
A6004	Pedestrian Bridge (Port Geographe)	60,000
A9999	Miscellaneous Bridge Maintenance	85,615

B1000	Administration Building- 2-16 Southern Drive	(46,861)
B1450	Depot Building-Busselton	(33,035)
B1514	Asbestos Removal & Replacement	50,000
C8500	Cycleways Maintenance Busselton	(29,192)
G0010	Domestic Recycling Collections	117,984
G0030	Busselton Transfer Station	62,102
G0031	Dunsborough Waste Facility	25,266
G0032	Rubbish Sites Development	62,534
G0042	BTS External Restoration Works	148,474
M9999	Road Maintenance - consolidated	(148,219)
R0004	Bsn Foreshore Precinct (not including Skate Park)	(117,972)
R0008	Dunn Bay Road-Surrounds	(26,633)
R0269	Seymour Park (Dunn Bay/Lorna St Pos)	(28,877)
R0700	Dunsborough Oval and Skate Park	(49,268)
R0850	Streetscape Medians & Trees (Kealy)	(40,261)
Subtotal		694,731

5280	Transport - Fleet Management	121,790
Subtotal		121,790

399 Cost Codes under Reporting Threshold	134,446	
Subtotal		134,446

Total		1,662,891
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Utilities:

With over 364 individual accounts at a better than expected result of \$1.59M, a favourable position of \$125K is considered likely to be a timing difference at this stage of the reporting year with the one exception being the City's Administration Building which is currently tracking \$37k below YTD Budget; the officer further notes that no account has yet been received for the month of February which for this facility which would see this variance reduced to \$29k. The officer further notes that whilst utilities for the City Administration Building are tracking below expectation savings on this cost will be need to offset other costs related to the facility, specifically contract cleaning.

Allocations:

Allocations are running \$136k under YTD Budget; these items are an internal allocation of administrative costs from the Finance and Corporate Services division and will not impact on the City's final surplus/deficit position.

The Officer notes that the above positive performance of "Materials and Contracts" and "Utilities" is added to by a positive collective performance of "Employee Costs" and "Insurance Expenses"; these items fall below the Material Variance reporting thresholds.

In summary, net operating expenditure is projected to be slightly lower than the annual budget estimates with a projected favourable variance of approximately \$400K.

Non-Operating Grants, Subsidies and Contributions:

Non-Operating Grants, Subsidies and Contributions are less than YTD Budget by \$9.47M with the main item impacting on the above result is the timing of the receipt of "Airport Development - Project Grant" with a current negative result of \$8.44M with the remainder being represented by Road Project Grants; this is a timing difference in nature only and is offset with the level of current expenditure for these projects.

Capital Expenditure

As at 28 February 2018, there is a variance of -44.44% or -\$24.27M in total capital expenditure with YTD Actual at -\$30.35M against a YTD Budget of -\$54.6M; with the table below showing those categories exceeding the 10% material variance threshold. The Airport Development makes up for \$11.31M or 46.6% of the overall variance which also assists in explaining the above current YTD shortfall in Non-Operating Grants.

Description	2017/18 Budget YTD Variance
\$	
Land	
Property Services Administration	(50,000)
Parking Control	(1,525,000)
Dunsborough - Commonage Road Oval	(1,600,000)
Total	(3,175,000)
Buildings	
Major Project - Administration Building	
Civic and Administration Centre Construction	(159,783)
Total	(159,783)
Buildings (Other)	
Ambergate Bushfire Brigade Shed	(82,208)
Aged Housing Capital Improvements - Winderlup Court (City)	(26,664)
GLC - Pool Relining	(159,785)
GLC - Plant Room	(70,915)
Performing Arts Convention Centre	(50,000)
Vasse Community Recreation Precinct	31,451
Airport Terminal Stage 2	(5,550,501)
Bsn Jetty Tourist Park Home	(127,186)
Total	(6,035,807)
Plant & Equipment	
Finance & Corporate Services Support	49,161
Community & Commercial Services Support	(50,000)
Geographe Leisure Centre	36,308
Property Services Administration	(35,000)
Animal Control	(60,872)
Engineering Services Design	(35,000)
Transport - Workshop	(43,278)
Plant Purchases (P10)	(1,313,344)
Plant Purchases (P11)	(73,812)
Plant Purchases (P12)	(89,497)
Total	(1,615,334)
Furniture & Office Equipment	
Information & Communication Technology Services	35,203
Business Systems	(98,262)
Administration Building- 2-16 Southern Drive	(83,250)
YCAB (Youth Precinct Foreshore)	(37,909)
Total	(184,218)

Description	2017/18 Budget YTD Variance
	\$
Major Project - Busselton Foreshore	
Busselton Foreshore - Stage 3	826,186
Busselton Tennis Club - Infrastructure	(1,717,841)
Busselton Foreshore Stage 3: Toddler's Playground	(96,899)
Busselton Foreshore Jetty Precinct	(301,471)
Barnard Park Pavillion Landscaping	60,235
Total	(1,229,790)
Major Project - Administration Building	
Administration Building Carpark	(100,995)
Total	(100,995)
Footpaths Construction	
Bussell Highway Footpath Sections	(259,880)
Milward Street – Ford Road to Cookworthy Street	(37,023)
Armitage Drive Footpath - Navigation Way to Avocet Boulevard	(30,083)
Vasse Bypass Road Footpath	(41,564)
Total	(368,550)
Drainage Construction - Street	
Vasse Highway Drainage Works	25,593
Chain Avenue - Drainage Works	(35,703)
Johnston Avenue Drainage Upgrade - Stage 2	(44,000)
Total	(54,110)
Bridges Construction	
Queen Street Bridge 0240A	96,000
Total	96,000
Cycleways Construction	
Busselton Bypass - Country Road Footpath	(144,170)
College Avenue Shared Path	(65,800)
Total	(209,970)
Townscape Construction	
Queen Street Upgrade - Duchess to Kent Street	(81,114)
Dunsborough Road Access Improvements Stage 1	(384,602)
Total	(465,716)
Boat Ramps Construction	
Port Geographe Boat Trailer Parking Layout Redevelopment	(96,551)
Total	(96,551)

Description	2017/18 Budget YTD Variance
	\$
Beach Restoration	
Sand Re-Nourishment	41,776
Total	41,776
Parks, Gardens & Reserves	
Rails to Trails	(93,760)
Elijah Circle POS	(26,644)
Vasse Community & Recreation Precinct - AFL Oval Stage 1	(29,285)
Dunsborough Town Centre	(59,149)
Administration Building Landscaping Works	224,235
Port Geographe - Burgee Close (Western Side of Bridge)	(62,971)
Port Geographe - Reticulated POS at Layman Rd R/About	(166,229)
Port Geographe - Reticulation Upgrade Scheme to Bore Water	(223,908)
Foreshore - Irrigation Renewal	(40,292)
Vasse River Foreshore - Bridge to Bridge project Stage 1	(48,034)
Advanced Bore Monitoring Equipment	(66,664)
Vasse Newtown - AFL Oval Stage 2	64,108
Total	(528,592)
Sanitation Infrastructure	
New Cell Development	(345,815)
Transfer Station Development	(32,504)
Site Rehabilitation - Busselton	(452,141)
Total	(830,460)
Airport Development	
Airport Construction Stage 2, Landside Civils & Services Inf	(4,184,987)
Airport Construction Stage 2, Noise Management Plan	(220,395)
Airport Construction Stage 2, Airfield	308,870
Airport Construction Stage 2, External Services	(1,576,566)
Airport Construction Stage 1B, Jet Fuel	(410,000)
Airport Development - Project Expenses	(205,865)
Total	(6,288,943)
Main Roads	
Strelly Street	(334,154)
Layman Road	84,968
Peel Terrace	(688,566)
Queen Street	(141,236)
Layman Road - Reconstruction Between 3250 and 6190	(341,549)
Georgiana Molloy Bus Bay Facilities	(199,610)
Koorabin Drive - Reseal	(166,839)
Total	(1,786,984)

Description	2017/18 Budget YTD Variance
	\$
Roads to Recovery	
Patton Terrace - Asphalt Overlay	(167,988)
Craig Street - Asphalt Overlay	80,351
Total	(87,637)
Council Roads Initiative	
Marine Terrace	(325,985)
Yelverton Road	(364,697)
Edwards Road	(102,562)
Signage (Alternate CBD Entry)	(37,605)
Strelly Street	(39,789)
Valley Road	(31,224)
Greenfield Road (Loop) - One way layout	(36,436)
Total	(938,298)

The attachments to this report include detailed listings of the following capital expenditure (project) items, to assist in reviewing specific variances.

The majority of capital expenditure variances are considered to be timing at this time, with no impact expected against the net current position.

In summary, net Capital Expenditure is not projected to have any material impact on the City's project surplus/deficit position when Carryover of projects occurs at year end if/where required.

Investment Report

Pursuant to the Council's Investment Policy, a report is to be provided to the Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio. The report is also to provide details of investment income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.

As at 28 February 2018, the value of the City's invested funds totalled \$82.99M, down from \$83.69M as at 31st January.

During the month of February seven term deposits held with 5 different institutions totalling \$20.5M matured, with \$7.00M relating to the Airport Redevelopment Project and \$13.5M being general City funds.

Of the \$13.5M of general City funds, \$13.5M was rolled for a further 96 days at 2.39% (on average).

Of the \$7.00M of Airport Redevelopment Project funds, \$7.00M was rolled for a further 59 days at 2.06% (on average). The need to keep the term of the deposit to only 2 months to meet expected expenditure timelines affected the rate of return able to be achieved.

The balance of the 11am account (an intermediary account which offers immediate access to the funds compared to the term deposits and a higher rate of return compared to the cheque account) increased by \$0.75M due to the inflow of rate and grant funding. The balance of the Airport Development ANZ cash account decreased by \$1.45M, with funds being drawn down to meet ongoing expenditure.

The RBA left official rates on hold during January and February with projections for Rates to remain steady for some months before beginning to rise possibly at some stage late in 2018.

Chief Executive Officer – Corporate Credit Card

Details of monthly (February) transactions made on the Chief Executive Officer's corporate credit card are provided below to ensure there is appropriate oversight and awareness of credit card transactions made.

Date	Amount	Payee	Description
02-Feb-18	\$583.62	Travel Insurance	* Travel Insurance (M Archer & K Sullivan)
06-Feb-18	\$143.30	Trybooking	* LGCOG Dinner
10-Feb-18	\$87.00	Newtown Lodge Vasse	Sugito Dinner
15-Feb-18	\$11.00	Dradgin Pty Ltd Perth	Parking - Airport Meeting

**Funds debited against CEO Annual Professional Development Allowance as per employment Contract Agreement*

+ Allocated against CEO Hospitality Expenses Allowance

CONCLUSION

As detailed within this report, it is considered that the City's overall financial performance to 28 February 2018 is satisfactory. Current projections indicate a potential surplus closing position as at 30 June 2018, in the order of approximately +\$750k (exclusive of carry forwards). The Annual Budget Review has not identified any specific adverse financial trends, for which remedial action is required to be instigated prior to financial year end. The projected surplus closing position is primarily due to operating expenditure savings.

As this report also identifies, it is projected that overall capital expenditure will fall well short of annual budget estimates, with this primarily attributable to the Airport Development project. However, as individual projects are essentially fully funded in one form or another, a corresponding short fall in capital revenue will also be evident as at 30 June 2018.

Whilst components of the unspent capital and operating expenditure budgets may need to be considered for re-listing in the Council's 2018/19 draft budget, the current projected surplus closing position of \$750K represents net underspends directly associated with the current financial year's financial performance.

It is noted that the potential surplus closing position at financial year end, including consideration of utilisation, or quarantining of these funds, be will be fully considered as part of the Council's 2018/19 draft budget deliberations.

OPTIONS

The Finance Committee/ Council may determine that additional recommendations are required to be made, or alternatively that the Annual Budget Review not be adopted by the Council at this time, pending clarification of any further matters.

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**C1803/054** Moved Deputy Mayor McCallum, seconded Councillor R Reekie

That the Council receives the statutory financial activity statement reports for the period ending 28 February 2018, pursuant to Regulation 34(4) of the Local Government (Financial Management) Regulations.

CARRIED 9/0**COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION****C1803/055** Moved Councillor P Carter, seconded Deputy Mayor McCallum**ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

That, pursuant to Regulation 33A of the Local Government (Financial Management) Regulations, the Council adopts the 2017/18 Annual Budget Review as presented within this report.

CARRIED 9/0

12.1 RFT 05/18 - DELEGATION OF AUTHORITY TO AWARD CONTRACT RFT05/18, CONSTRUCTION OF DUNSBOROUGH TOWNSCAPE STAGE 4

SUBJECT INDEX:	RFT05/18 - Delegation of Authority to Award Contract RFT05/18, Construction of Dunsborough Townscape Stage 4
STRATEGIC OBJECTIVE:	Creative urban design that produces vibrant, mixed-use town centres and public spaces.
BUSINESS UNIT:	Operation and Works Services
ACTIVITY UNIT:	Construction and Maintenance
REPORTING OFFICER:	Maintenance and Construction Coordinator - Matthew Twyman Legal Services Coordinator - Cobus Botha
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Dunsborough Townscape Stage 4 Extent of Work ⇨

PRÉCIS

The Council is requested to delegate authority to the CEO to award a contract in regards to Request for Tender RFT05/18 – Dunsborough Townscape Stage 4.

BACKGROUND

It is proposed to invite suitably qualified contractors to submit tenders for RFT05/18, Construction of Dunsborough Townscape Stage 4. Tenders are proposed to be called in early April 2018 as soon as tender documents are ready.

The extent of work is shown on Attachment A.

The scope of work includes reconstruction of the existing Dunn Bay Road/Naturaliste Terrace roundabout and the immediately adjacent surrounds including townscape improvement to the adjacent verge areas involving high quality exposed aggregate footpaths, seating and soft landscape treatments.

Delegated authority to award the contract is sought to enable timely award of contract in early May 2018, following a three-week tender period and two weeks anticipated for tender evaluation. Prompt award of the contract in early May 2018 will enable the construction work to be completed in the current financial year, prior to the onset of winter. Pre-winter completion is unlikely to be achievable in absence of the delegated authority now sought.

Delegation LG3J already exists which allows the CEO to determine tender selection criteria regardless of contract value, and also to award contracts to a value not exceeding \$500,000. Existing delegation LG3J(S1) similarly allows the Legal Services Coordinator to determine tender selection criteria regardless of contract value, but provides no authority to award any contract.

The tender selection criteria for RFT05/18 are proposed to be determined by the Legal Services Coordinator under existing delegation LG3J(S1) and so do not form part of this report to the Council.

However, specific Council delegation is sought for the CEO to award the contract for RFT05/18- Construction of Dunsborough Townscape Stage 4 given that the anticipated contract value may exceed the \$500,000 price limit contained in existing delegation LG3J.

The contract will be superintended by the Director of Engineering and Works Services.

STATUTORY ENVIRONMENT

In terms of Section 3.57 of the Local Government Act 1995 (Act) a local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services. Part 4 of the Local Government (Functions and General) Regulations 1996 (Tender Regulations):

- requires that tenders be publicly invited for such contracts where the estimated cost of providing the required goods and/or service exceeds \$150,000; and
- under Regulations 11, 14, 18, 20 and 21A provides the statutory framework for inviting and assessing tenders and awarding contracts pursuant to this process.

Under Section 5.42(1)(a) of the Act a local government may delegate to the CEO the exercise of any powers and/or the discharge of any of its duties subject to certain limitations/conditions. Under Delegation LG3J Council delegated to the CEO the exercise of any powers and/or the discharge of any of its duties under Regulations 11, 14, 18, 20 and 21A of the Tender Regulations, including acceptance of tenders where the contract value does not exceed \$500,000.

It is anticipated that the contract value under RFT05/18 will exceed \$500,000 and thus exceed the CEO's current delegated power to award the contract under Delegation LG3J. Under Section 5.43(b) of the Act a local government may, by absolute majority, vary the threshold of the value or amount of tenders to be accepted by the CEO's under his delegated power.

RELEVANT PLANS AND POLICIES

The following Council policies have relevance to the Tender process.

Policy 239 – Purchasing:

The procurement process complies with this policy.

Policy 049/1 –Regional Price Preference:

The Regional Price Preference Policy will apply to this tender.

Policy 031 – Tender Selection Criteria:

The procurement process complies with this policy

FINANCIAL IMPLICATIONS

The annual budget contains anticipated expenditure for the works proposed and it is not expected that there will be any further demand for funding.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

Consideration of this matter is consistent with:

- 2 Places and Spaces Community Objective
2.3 - Creative Urban design that produces vibrant, mixed-use town centres and public spaces.
- 6 Leadership and Community Objective
6.4 - Assets are well maintained and responsibly managed.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officers Recommendation has been undertaken using the City's risk assessment framework, summarised hereunder;

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
The tender procurement timeline may result in failure to complete the project by the 30 June 2018 deadline (the initial risk with no delegation)	Nil.	Moderate (operational) Minor (reputational)	Almost Certain	Medium (operational) Medium (reputational)
The tender procurement timeline may result in failure to complete the project by 30 June 2018 deadline (residual risk with delegation in place)	Delegated authority for the CEO to award the contract	Moderate (operational) Minor (reputational)	Possible	Medium (operational) Medium (reputational)
Despite timely award of contract, other delays caused by the Contractor or inclement weather may result in failure to complete the project by the 30 June deadline (residual risk with controls applied).	Fortnightly project meetings and more regular inspections to closely monitor and manage progress and program.	Moderate (operational) Minor (reputational)	Possible	Medium (operational) Medium (reputational)
Contract scope variations or variation claims causing budget over-run (residual risk with controls applied).	Clear scope definition in well drafted tender documents. Fortnightly project meetings and more regular inspections to monitor potential or current variations.	Minor (financial)	Possible	Medium (financial)

CONSULTATION

The design for the Dunsborough Stage 4 Townscape project was developed based on input from the Council endorsed Dunsborough Town Centre Conceptual Plan, development of which included extensive consultation. The Plan placed a focus on increasing the amount of high quality footpaths and landscaped areas assigned to pedestrian use and taking priority over the amount of space previously taken up by vehicle hardstands and car parking bays.

Specific consultation on the project proposals more recently occurred with adjacent property owners and tenants. This led to specific feedback associated with the timing of the work, which City officers considered and hence the construction occurring after the Easter holidays. In addition, some concerns were expressed about reduction in the number of car parking bays. In response the design proposal was adjusted to reintroduce two car bays. The final design of the stage 4 project still represents a reduction in the existing number of car bays in the stage 4 area. However, on the completion of stage 4, there will have been a significant increase to the overall number of parking bays in the greater Dunsborough Town Site. This is when you take into account all stages 1 through to 4.

Note, a further stage has been developed to complete the Dunsborough town site upgrade (which will be included in the 2018/19 budget for the council consideration), which will further increase the number parking bays in the area and increase alfresco and footpath widths.

Notwithstanding the concerns expressed about reduced car bays, there has been general support for the increased provision of green space.

OFFICER COMMENT

Provided that a contract is awarded by mid-May 2018, the Dunsborough Townscape works are anticipated to take approximately 6 weeks to construct with practical completion achievable just prior to 30 June 2018.

CONCLUSION

This report seeks the Council's endorsement of the officer's recommendation to delegate authority to the CEO to award a contract for RFT05/18 – Construction of Dunsborough Townscape Stage 4, to a value not exceeding the available budget.

OPTIONS

The Council may consider the following options:

1. The Council choose not to accept the officer's recommendation and instead require that a report be returned to the Council for consideration of the contract award. This would add significant delays to the earliest date that the contract could be awarded and cause corresponding delay to the construction of Dunsborough Townscape Stage 4, resulting in under-delivery of the current financial year works program and possibly greater exposure to winter working conditions causing an extended period of works disruption and higher construction costs.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The award of contract for RFT05/18 under delegated authority would be anticipated to occur in mid-May 2018. The successful and unsuccessful Tenderers would all be notified at this time.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1803/056 Moved Councillor Tarbotton, seconded Councillor K Hick

That the Council:

1. Delegate to the CEO the power and authority to exercise the powers and discharge the duties of the local government under Regulations 11, 14, 18, 20 and 21A of the *Local Government (Functions and General) Regulations* in relation to RFT05/18, Construction of Dunsborough Townscape Stage 4.
2. The delegation under resolution 1 above is subject to:
 - (a) Utilising the standard selection criteria as per Policy 031;
 - (b) Complying with the requirements of the City's Purchasing Policy as it relates to tendering;
 - (c) Following the City's operational processes and procedures for tender evaluation; and
 - (d) The contract value for the accepted tender is not to exceed \$680,000

CARRIED 9/0

14.1 WASTE AMENDMENT LOCAL LAW

SUBJECT INDEX:	Local Laws
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Legal Services
REPORTING OFFICER:	Legal Officer - Briony McGinty
AUTHORISING OFFICER:	Director, Community and Commercial Services - Cliff Frewing
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Local Law marked-up⇒ Attachment B Local Law gazettal version⇒

PRÉCIS

Council previously resolved to authorise the preparation and advertising of the proposed *City of Busselton Waste Amendment Local Law 2018 (Amendment Local Law)*. The purpose of this report is for Council to consider submissions received in relation to the Amendment Local Law and to consider whether to make the Amendment Local Law pursuant to Section 3.12 of the *Local Government Act 1995 (the Act)*.

It is recommended that Council resolve to make the Amendment Local Law.

BACKGROUND

Council resolved at its meeting on 11 October 2017 as follows:

“That the Council:

1. *Undertakes to within 6 months, amend the local law to include an express ‘Objection and appeal rights clause’.*
2. *Also undertakes:*
 - a) *That all consequential amendments arising from the undertaking will be made.*
 - b) *That the local law will not be enforced in a manner contrary to the undertaking given,*
 - c) *That the undertaking will be completed within six months of the date of the letter giving the undertaking.*
 - d) *Where the local law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.”*

Further, Council resolved at its meeting on 13 December 2017:

- (1) *That the Council commences the law-making process, for the City of Busselton Waste Amendment Local Law 2018, the purpose and effect of the local law being as follows:*

Purpose: To explicitly include a reference to a person’s objection and review rights under the Local Government Act 1995.

Effect: To make people aware of their objection and review rights under the Local Government Act 1995 in relation to decisions made under the Waste Local Law.

- (2) *That the Council authorises the CEO to carry out the law-making procedure under section 3.12(3) of the Local Government Act, by –*
- (i) *giving Statewide public notice and local public notice of the Amendment Local Law; and*
 - (ii) *giving a copy of the Amendment Local Law and public notice to the Minister for Local Government and the Minister for the Environment.*
- (3) *That the CEO, after the close of the public consultation period, submits a report to the Council on any submissions received on the Amendment Local Law to enable the Council to consider the submissions made and to determine whether to make the local law in accordance with section 3.12(4) of the Act.*

Pursuant to abovementioned Council resolution the Amendment Local Law was published for public comment and a copy given to the Minister for Local Government and the Minister for the Environment. No public submissions have been received. The responses from the Department of Local Government (**DLG**) and the Department of Water and Environmental Regulation (**DWER**) are discussed under the OFFICER COMMENT section of this report.

The advice and comments received resulted in minor changes being made to the original version of the Amendment Local Law which was presented to Council at its 13 December 2017 meeting. These changes do not cause the Amendment Local Law to be significantly different from what was originally proposed. Therefore, the Amendment Local Law is now referred back to Council to consider these minor changes and to resolve whether or not to make the Amendment Local Law at Attachment B.

STATUTORY ENVIRONMENT

Section 3.5 of the Act and section 64 of the *Waste Avoidance and Resource Recovery Act 2007* (**WARR Act**) provide Council with the heads of power for making a waste local law.

The procedure for making local laws is set out in section 3.12 of the Act and Regulation 3 of the *Local Government (Functions and General) Regulations 1996*. Under section 3.12(4) of the Act, Council is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was originally proposed. A decision to make a local law has to be supported by an absolute majority of Council.

If Council resolves to make the Amendment Local Law then the process required under section 3.12(5) and (6) of the Act needs to be carried out. Section 3.12(5) requires that the local law be published in the *Government Gazette* and a copy be provided to the Minister for Local Government. Section 3.12(6) requires that after the local law has been published in the *Government Gazette*, the City must give local public notice stating the title of the local law, summarising the purpose and effect of the local law and advising that copies of the local law may be inspected or obtained from the City offices.

RELEVANT PLANS AND POLICIES

Nil.

FINANCIAL IMPLICATIONS

Costs associated with the advertising and gazettal of the Amendment Local Law will come from the Legal budget. These costs are unlikely to exceed \$2,000 and there are sufficient funds in the legal budget for this purpose.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

The proposal aligns with Key Goal Area 6 of the *City of Busselton Strategic Community Plan 2017* as follows:

6.1 Governance systems, processes and practices are responsible, ethical and transparent.

RISK ASSESSMENT

The Amendment Local Law does not involve major departures from current practices and is therefore considered low risk.

CONSULTATION

The Amendment Local Law was advertised publicly in both local and state-wide newspapers for a minimum of 6 weeks in accordance with the requirements under section 3.12(3)(a) of the Act. No public submissions have been received.

In accordance with section 3.12(3)(b) of the Act a copy of the Amendment Local Law was forwarded for consideration and comment to the Minister for Local Government and the Minister for the Environment.

OFFICER COMMENT

The DLG and DWER responded on behalf of their respective Ministers and suggested various minor changes to the Amendment Local Law. These changes can be seen in the marked-up version of the Amendment Local Law at Attachment A.

In terms of Section 3.13 of the Act if, during the procedure for making an Amendment Local Law, Council decides to make a local law that would be significantly different to what it first proposed, the law making process has to be recommenced. It is considered that the abovementioned modifications to the original version of the Amendment Local Law do not change the purpose, intent and effect of the original version of the Amendment Local Law. Therefore the Amendment Local Law is not considered to be significantly different from what was first proposed.

The consent of the CEO of DWER is required prior to Council resolving to make the Amendment Local Law. The CEO has provided his consent and accordingly, the City may now make the local law.

CONCLUSION

The Amendment Local Law makes explicit reference to a person's objection and review rights under the Act to decisions made under the Waste Local Law, as per the undertaking given to the Joint Standing Committee on Delegated Legislation (JSC) on 11 October 2017.

OPTIONS

As the City has previously provided an undertaking to the JSC in relation to this matter it is not recommended to pursue other options.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should Council resolve to make the Amendment Local Law it will need to be gazetted and will come into operation 14 days after publication. The timeframe for completion of the gazettal process is approximately thirty days from the date of the Council resolution.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1803/057 Moved Deputy Mayor McCallum, seconded Councillor P Carter

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

1. Resolves to make the *City of Busselton Waste Amendment Local Law 2018* in accordance with section 3.12(4) of the *Local Government Act 1995*.
2. Authorises the Chief Executive Officer to carry out the processes required to make the *City of Busselton Waste Amendment Local Law 2018* in accordance with section 3.12(5) and section 3.12(6) of the *Local Government Act 1995*.

CARRIED 9/0

ITEMS FOR DEBATE

10.1 Audit Committee - 14/03/2018 - COMPLIANCE AUDIT RETURN 2017

SUBJECT INDEX:	Reporting and Compliance
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Manager Financial Services - Kim Dolzadelli
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Compliance Audit Return 2017 ⇒

This item was considered by the Audit Committee at its meeting on 14 March 2018, the recommendations from which have been included in this report.

PRÉCIS

The Compliance Audit Return (CAR) relating to the activities of the City of Busselton during 2017 has been completed. The return is a statutory obligation and covers a range of requirements under the *Local Government Act 1995* and various Regulations.

The completed Compliance Audit Return is attached to this report (*refer Attachment A*) for the consideration of the Council. The return is recommended for adoption, after which it will be forwarded to the Department of Local Government, Sport and Cultural Industries as required by 31 March 2018.

BACKGROUND

The Department of Local Government, Sport and Cultural Industries has made available the 2017 Compliance Audit Return (CAR) for completion.

The Local Government Act 1995 Section 7.13 requires a Local Government to complete the Compliance Audit Return in the form specified by the Department of Local Government, Sport and Cultural Industries. The Local Government Audit Regulations require the Return to be considered by the Audit Committee and submitted to the Department by 31 March.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Audit) Regulations 1996 Regulations 13, 14 and 15.

14. *Compliance audits by local governments*

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*

- (3) *After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be —*
- (a) *presented to the council at a meeting of the council; and*
 - (b) *adopted by the council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted.*

15. *Compliance audit return, certified copy of etc. to be given to Executive Director*

- (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*
- (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
 - (b) *any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.*
- (2) *In this regulation — **certified** in relation to a compliance audit return means signed by —*
- (a) *the mayor or president; and*
 - (b) *the CEO.*

RELEVANT PLANS AND POLICIES

Not applicable

FINANCIAL IMPLICATIONS

Nil

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The completed Compliance Audit Return 2017 aligns with and supports the **Council's Key Goal Area 6** – 'Leadership' and more specifically **Community Objective 6.1** – 'Governance systems, process and practices are responsible, ethical and transparent'.

The compliance assessment is one of the mechanisms that enable the organisation to ensure that it has governance systems that deliver responsible, ethical and accountable decision-making.

RISK ASSESSMENT

The whole process of the compliance assessment is about identifying risks to the organisation where non-compliant activities have potentially occurred.

CONSULTATION

The questions listed in the compliance return provided by the Department of Local Government, Sport and Cultural Industries have been responded to by designated council staff responsible for the actions required to comply with the appropriate legislation.

OFFICER COMMENT

The attached Compliance Audit Return demonstrates that the organisation has a good understanding of statutory requirements and has applied the correct interpretation to these requirements. The return covered the organisation's processes and records relating to:

Area of Compliance	# Questions
Commercial Enterprises by Local Governments	5
Delegation of Power / Duty	13
Disclosure of Interest	16
Disposal of Property	2
Elections	1
Finance	14
Integrated Planning & Reporting	7
Local Government Employees	5
Official Conduct	6
Tenders for Providing Goods and Services	25
Total	94

The Authorising Officer notes 100% compliance with respect to the Compliance Audit Return 2017 which is similar to previous years where compliance returns have had a high degree of compliance.

However, it is noted that having analysed the City's supplier payments for the relevant period it appears that, in respect of two suppliers (both expert consultants), tenders had not been invited where the combined consideration under their contract(s) exceeded the consideration stated in Regulation 11(1) of the Local Government (Functions and General) Regulations. However, at the time of entering into the separate contracts with these consultants, the consideration under their contract was not expected to be worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions and General) Regulations.

For various unexpected (mainly operational) reasons the City had to extend the scope of the projects for which these two consultants had been engaged for. The City had good reason to believe that, due to the nature and extent of these projects, the complexities which eventuated since engaging these consultants and these consultant's intimate involvement with these projects to date, it was in the City's best interest to extend these consultants contracts pursuant to Regulation 11(2) (f) of the Local Government (Functions and General) Regulations.

CONCLUSION

It is recommended that the Council adopt the return for submission to the Department of Local Government, Sport and Cultural Industries.

OPTIONS

Other than to provide a different response to those provided in the Return, there are no options available as it is a statutory requirement to complete and lodge the Return with the Department.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The certified return must be lodged with the Department of Local Government, Sport and Cultural Industries by 31 March 2018.

COUNCIL DECISION AND AMENDED OFFICER RECOMMENDATION**C1803/058**

Moved Councillor P Carter, seconded Councillor R Paine

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That Council:

1. Adopts the Compliance Audit Return 2017 as attached and authorises the Mayor and the CEO to sign the joint certificate; and
2. Requests that a report be prepared for Council consideration in relation to response 1 – ‘Tenders for Providing Goods and Services’ contained in the Compliance Audit Return 2017.

CARRIED 9/0

Reason: The Amended Officer Recommendation was moved foreshadowing the Committee Recommendation as it more appropriately reflects the requirement for Council to adopt the Officer and Committee Recommendation.

11.1 APPLICATION FOR DEVELOPMENT APPROVAL - DA17/0651- RECEPTION CENTRE, LOT 30 (70) MILLBROOK ROAD, YALLINGUP

SUBJECT INDEX:	Development Applications
STRATEGIC OBJECTIVE:	Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow.
BUSINESS UNIT:	Development Services & Policy
ACTIVITY UNIT:	Statutory Planning
REPORTING OFFICER:	Planning Officer - James Fletcher
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location Plan⇒ Attachment B Development Plan⇒ Attachment C State Heritage Listing⇒ Attachment D Schedule of Submissions⇒ Attachment E Addendum to Original Acoustic Report⇒ Attachment F Updated Acoustic Report⇒ Attachment G DWER Comments on noise/acoustic assessment⇒ Attachment H Development Guide Plan 50 - Millbrook⇒

DISCLOSURE OF INTEREST	
Date	28 March 2018
Meeting	Council
Name/Position	Ross Paine, Councillor
Item No./Subject	11.1 Application for Development Approval - DA17/0651- Reception Centre, Lot 30 (70) Millbrook Road, Yallingup
Type of Interest	Impartiality Interest
Nature of Interest	Member of my family either built or restored most of the structures

DISCLOSURE OF INTEREST	
Date	28 March 2018
Meeting	Council
Name/Position	Kelly Hick, Councillor
Item No./Subject	11.1 Application for Development Approval - DA17/0651- Reception Centre, Lot 30 (70) Millbrook Road, Yallingup
Type of Interest	Impartiality Interest
Nature of Interest	I am a registered Marriage Celebrant

PRÉCIS

The Council is asked to consider a development application for a Reception Centre at #70 Millbrook Road, Yallingup. The proposal is placed before the Council due to the level of community interest and the nature of the issues requiring consideration.

Whilst it is clear that there is potential for some non-residential development to occur on the site, potentially including a reception centre, it is not considered that the proposal, as originally submitted, would be appropriate in the location. The applicants have, however, agreed to modify the proposal and/or have agreed to conditions of approval that would, amongst other things, restrict operations to 7am-7pm only.

With those changes/conditions in place, officers are of the view that the proposal is appropriate and accordingly are recommending approval. The rationale for that recommendation, as well as some of the options that could be considered by the Council and/or the applicant, are set out in the body of the report.

BACKGROUND

Lot 30 (70) Millbrook Road, Yallingup is a Rural Residential zoned property listed on the City's Municipal Heritage Inventory and Heritage List as well as the State Heritage Register. A location plan is provided as **Attachment A**. The subject lot is a remaining large landholding (24.3 ha) surrounded by rural residential properties ranging in size between 1-4 hectares.

Plans of the proposal are provided as **Attachment B**, which can be briefly summarised as follows-

- A reception centre to be provided as a marquee. It is indicated that the functions are to be largely contained within the marquee and furniture, decorations, etc. will be hired and brought to the site for each function.
- The number of patrons expected is within the range of 100-150 persons. The proposed hours of operation would be during the day with a noise reduction to 80dB(A) from 7pm and a total shutdown of operation at 11pm (midnight was originally proposed). As already indicated modifications/conditions are now proposed that would restrict events operating after 7pm, although clean up and similar could still occur after that time.
- A number of gravel car parking bays are to be provided on-site, though the applicant proposes that the primary form of transport to and from the site will be via bus.

A Reception Centre in the Rural Residential Zone is an 'X' use, meaning that it would not normally be permissible under Local Planning Scheme No. 21 ('the Scheme'). Since 1999 and now reflected in cl.4.5.2 of the Scheme, however, land-use controls for lots greater than 20 hectares in area in the Rural Residential Zone are the same that would apply as if the land was instead located in the Agriculture Zone. The purpose of these provisions is to recognise that it is desirable to retain some larger lots within rural residential areas to maintain some rural character and amenity, but also recognise that such large lots do need some broader economic potential and impetus.

The property does have the potential to be subdivided in the future (see **Attachment H**). If subdivided the result of this would render the lot size less than 20ha. Should that potential be realised, and if the proposed development were approved and operating, it would have what is known as 'non-conforming use rights'.

In the Agriculture Zone, a Reception Centre is an 'A' use (i.e. a use approval of which is subject to the reasonable discretion of the City, following a period of consultation and consideration of the outcomes of the consultation process). Also contemplated in the Agriculture zone, amongst others, are the following other non-residential land-uses: Brewery; Tavern; Restaurant; Private Recreation; and Place of Assembly. The site is also subject to what is known as 'Additional Use 52' for a range of other uses not otherwise permissible.

High levels of community interest have resulted in a significant number of submissions being received by the City. In response, the applicant has modified elements of the proposal concerning the hours of operation. The original application proposed midnight; this was initially reduced to 11pm and, more recently, to 7pm.

In assessing the application, the City experienced delays in receiving comments, feedback and recommendations from government agencies. As a result it has taken longer than 90 days for the City to determine the application. Clause 75(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that: 'If the local government has not made a determination in the time referred to in subclause (1) (i.e. 90 Days) the local government is to be taken to have refused to grant the development approval'. As a result the applicant had the ability to lodge an application for review (appeal) with the State Administrative Tribunal (SAT). To preserve that right, which must be exercised within 28 days of the 90 day threshold, the applicant has lodged an application for review.

At present, the parties and the SAT have agreed that the Council will first be given an opportunity to determine the application by 28 March. After 28 March, there will be a further SAT 'Directions Hearing', at which time the parties will determine what, if any, further action should occur from a SAT process perspective.

STATUTORY ENVIRONMENT

Key elements of the statutory environment that relate to the proposal are established in the Scheme.

The site is zoned Rural Residential. The objectives of the Rural Residential Zone relevant to the proposal are:

- b) To ensure that development maintains the rural character of the locality, maintains a high level of residential amenity and minimises disturbance to the landscape through construction of buildings and structures, clearing, earthworks and access roads.*
- c) To enable a range of activities and land uses associated with the residential occupation of land.*
- d) To discourage or prohibit development not compatible with the predominantly rural nature and residential amenity of the zone.*
- e) To enable the development of land for other purposes where it can be demonstrated by the applicant that suitable land or buildings for the proposed purposes are not available elsewhere, and where such purposes would not detrimentally affect the rural residential character of nearby land.*

The policies of the Rural Residential Zone relevant to the application are:

- f) To adequately protect any areas or sites of conservation value within the design of any subdivision and development.*
- g) To provide flexibility for the development of appropriately located and scaled tourist facilities consistent with preservation of residential amenity.*

The subject site also has an additional use designation as prescribed under Schedule 2 of the Scheme 'Additional Uses'. The additional uses are identified in A52 as follows:

NO.	PARTICULARS OF LAND	LAND USE PERMITTED/ SPECIFIED	CONDITIONS
A52	Portions Lots 1 and 110, being Lot 9000, Millbrook Road, Yallingup (proposed Lots 30 and 43)	The Additional Uses permitted on the specified land are – <ol style="list-style-type: none"> 1. Chalets & Holiday Cabins 2. Guesthouse 3. Restaurant 4. Public Amusement 5. Private Recreation 6. Art & Craft Studio 7. Workshop and Sales 8. Boutique Brewery 9. Winery 10. Museum 11. Club 12. Rural Holiday Resort 13. Mangers Dwelling 	<ol style="list-style-type: none"> 1. The Additional Uses specified shall be deemed to be “D” uses for the purpose of Part 4 of the Scheme. 2. The additional uses, where permitted, shall be developed in a manner that is considered by Council to be consistent with the endorsed DGP and maintenance of the rural and historic amenity of the locality.

In considering the application the Council must also consider the 'Matters to be considered' established in Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and in particular the following considerations relevant to this application:

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following –*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (zb) *any other planning consideration the local government considers appropriate.*

RELEVANT PLANS AND POLICIES

Local Planning Policy 8A - General Development and Process Standards

Local Planning Policy 8 provides car parking criteria for proposed development and is intended to provide a practical guide to aid in assessment of an application.

There is no minimum car parking requirement specifically listed in LPP8 for the reception centre land use. Internal practice has been for the City to assess such uses against the nearest analogous use, typically 'Place of Assembly', which has a minimum car parking requirement of one car parking bay per four patrons.

The development plan provided as **Attachment B** identified existing gravel car parking areas. Although it could be argued that there is adequate space on-site to accommodate car parking, the plan does not indicate the number of bays available (inclusive of bus bays) or any over-flow areas.

Should approval be granted, it is recommended that gravel car parking areas are to be formalised to ensure that sufficient spaces are provided (inclusive of the provision for disabled access). In addition to this parking, turn-around areas and manoeuvring space is required for buses.

State Planning Policy 3.7: Planning in Bushfire Prone Areas and Guidelines for Planning in Bush Fire Prone Areas 2017

SPP 3.7 directs how development should address bushfire risk management in Western Australia. It applies to all land that has been designated as 'bushfire prone' by the Fire and Emergency Services (FES) Commissioner as highlighted on the Map of Bush Fire Prone Areas. The accompanying *Guidelines for Planning in Bushfire Prone Areas* provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP3.7, providing advice on how bushfire risk is to be addressed when planning, designing or assessing a planning proposal within a designated bushfire prone area.

The elements of the Guidelines relevant to the proposal are:

- Element 1: Location of Development; and
- Element 2: Siting of Development.

The intent of Element 1 is to ensure that the development or land use is located in areas with the least possible risk from bushfire, to help minimise risk to people, property and infrastructure.

Element 2 intends to ensure that the siting of development minimises the level of bushfire risk. The bush fire management plan provided in support of the proposal suggests that the bush fire risk to the development can be managed to an acceptable level.

A Bush Fire Management Plan (BMP) was provided with the development application. The development is classified as a 'vulnerable' use which also requires a Bushfire Emergency Evacuation Plan (BEEP).

The BMP and BEEP were submitted to the Department of Fire and Emergency Services (DFES) for review and comment. DFES found the BMP and BEEP to be acceptable and in accordance with the guidelines, subject to some minor alterations on formatting and vegetation classification.

Local Rural Planning Strategy

The subject land is located within Precinct 6 'Commonage' of the *Local Rural Planning Strategy*. The strategy describes the precinct as "*Comprises the existing Commonage Rural Residential Policy Area south of Dunsborough and north of Wildwood Road*" and "*Comprises extensive rural residential development with a variety of lot sizes. Some agricultural land uses continue in the areas (viticulture, grazing and agroforestry) with a number of small scale tourism and cottage industry land uses*".

Major indicated issues identified within the Commonage precinct include the “*Incremental impact of ongoing development on the character and landscape values of the area*”, the “*potential impact of larger scale tourist development on residential amenity and the character of the area*” and the “*maintenance of appropriately scaled rural land uses and activities to maintain the rural sense of place*”. The major issues indicated provide a prelude for land use allocation which is to give “*Consideration of additional small-scale tourist precincts to be subject to Scheme amendment where necessary and subject to appropriate locational, environmental, landscape and servicing considerations*”.

Commonage Consolidated Structure Plan

The proposed development falls within the parameters of the Commonage Consolidated Structure Plan. Other than the restrictions for building height and future subdivision, the Commonage Consolidated Structure Plan does not provide any relevant development controls or measures.

Development Guide Plan 50- Millbrook Road, Yallingup

Development Guide Plan (DGP) 50 provides overarching development controls applicable to the lot relating to subdivision, heritage and portions of shared access. The DGP does not provide any development controls or measures specifically applicable to the proposed development. A copy is provided in Attachment I.

FINANCIAL IMPLICATIONS

The recommendation of this report is a planning determination. It does not impose any direct financial implications upon the City.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

The Officer Recommendation is consistent with community objective 2.2 of the City’s Strategic Community Plan 2017, which is – ‘Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow’.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City’s risk assessment framework. The assessment identifies ‘downside’ risks only, rather than ‘upside’ risks as well. Risks are only identified where the individual risk, once controls are identified, is medium or greater. No such risks have been identified.

CONSULTATION

The proposal was referred to adjoining landowners, relevant government agencies, and the City’s heritage adviser, as well as being advertised on the City’s website and in a local newspaper. The proposal was formally advertised for 28 days. Submissions were received from 70 individuals and interested parties regarding the application, many of whom submitted further information to the City to supplement their original submissions. Of the submissions received 41 (58%) raised concerns about the proposal, 19 submissions (27%) supported the application and 10 submissions (14%) supported the proposal subject to conditions, modifications or certain measures being achieved.

For a summary of the submissions see **Attachment D**. The applicant was given the opportunity to address and respond to points raised in the submissions period and subsequently modified elements of the proposal. The concerns raised can be summarised into the following categories:

- Noise;
- Loss of Amenity;
- Traffic;
- Anti-social behaviour;
- Hours of operation & the number of events; and
- Fire Risk.

The supporting submissions can be summarised into the following categories:

- Opportunity for heritage conservation;
- Opportunity for surrounding local and small businesses; and
- Economic support and opportunities for tourism.

Key suggestions to improve the application are summarised as:

- Reduction in the hours of operation; and/or
- Reduction/limitation in the number of events.

The acoustic assessments were referred to the Department of Water and Environmental Regulation (DWER), specifically their noise assessment division. Refer to **Attachments E, F and G**.

It should be noted that the purpose of consultation on development applications is to identify issues that may need to be considered in the assessment of the application. The development assessment process is often described as being a 'quasi-judicial' process. The fact that a majority of submitters are opposed to a proposal does not make the proposal inappropriate, and nor would majority support necessarily make it appropriate.

A number of submitters have raised concerns about the potential inconsistency of the proposal with covenants that apply to land in the area. Covenants do not form part of the planning framework and are not considered relevant planning considerations. Covenants apply a 'burden' over one lot, and a 'benefit' to the owners of other, specified lots. The power and responsibility to enforce covenants falls on the owners of the benefitting lots, not on the local government. Further, the City understands that the covenants in question do not burden the subject lot.

OFFICER COMMENT

The key issues are considered to be –

- Traffic
- Bushfire risk; and
- Amenity, especially noise.

Each is briefly outlined and discussed below.

Traffic

Planning consideration of the potential impacts of traffic, other than where linked to amenity, is related to assessing whether the traffic impacts would result in the safe and efficient capacity of the road network being exceeded, when measured against accepted traffic engineering/planning standards. Although the proposed development will increase traffic numbers, the proposal is not expected to exceed the capacity of the road network.

Bushfire risk

A BMP and BEEP was provided with the application and referred to DFES. DFES have concluded that the provided BMP and BEEP satisfy State requirements and have raised no concerns. Minor amendments to the BMP requiring further classification of vegetation have been completed by the applicant. There is not seen to be a basis to require further changes or assessment in relation to bushfire risk.

Amenity, especially noise

The critical issue is considered to be whether the proposal will have an unacceptable impact on the amenity of the locality. The *Planning and Development (Local Planning Schemes) Regulations 2015* provide a definition of amenity, as follows -

“amenity means all those factors which combine to form the character of an area and include the present and likely future amenity”.

The main potential amenity impact in this case is considered to be in the form of noise.

The applicants have submitted noise/acoustic assessment information provided by professional acoustic consultants, and that information has been critiqued by other acoustic professionals, i.e. the DWER Noise Branch. The assessment undertaken and subsequent critique indicate that, provided that a range of conditions are met, the development could theoretically be managed in a manner that ensures compliance with the *Environmental Protection (Noise) Regulations 1997* ('Noise Regulations'). DWER, however, has outlined concerns with the practicability of meeting those conditions at all times. City officers, including City officers with considerable expertise and experience with noise management and monitoring, share the DWER concerns.

Further, consideration of noise as an element of amenity as part of planning assessment is not limited to technical assessment of the proposal against the Noise Regulations. The consideration is broader and more nuanced. It is conceivable that an applicant may be able to demonstrate compliance with the Noise Regulations and a proposal may nevertheless be considered to have an unacceptable amenity impact. Similarly, it is conceivable that a proposal may not be able to demonstrate compliance, but be considered to not have an unacceptable amenity impact. The context and character of the proposal and the locality are important to the planning assessment in a fashion that is not entirely reflected in the Noise Regulations. In summary, technical assessment against the Noise Regulations should be given considerable weight in planning decision-making, but does not in and of itself determine the outcome.

The context of the site is an area where many people who have chosen to live and/or purchase property there have done so because of the relatively peaceful and quiet ambience, and an expectation that will continue. Especially in the evening and night, the actual and expected level of environmental noise is very low. Given that, officers are of the view that the application, as originally submitted, with operations proposed until midnight, would have an unacceptable impact on the amenity of the locality. The subsequent adjustment of the application to continue operations through until only 11pm was also not considered by officers to be sufficient to address the concerns.

The applicants have, more recently, however, agreed to adjust the application, and to related conditions of approval, that would not allow operations, other than set-down / clean-up type operations, to extend beyond 7pm. That would effectively constitute a 'daytime-only' facility, and would limit noise impacts to less sensitive times, when expectations in terms of noise, especially in a broadly 'rural' context, should be higher (i.e. more noise should be expected, whereas in the evening and night, very little noise should be expected).

That is considered to be a much more substantial change and is considered sufficient, subject to other detailed conditions and requirements, to result in a proposal that does not have an unacceptable impact on the amenity of the locality.

In closing, it is worth noting that, should a subsequent application be lodged which proposes a more substantial reception centre building, with much greater noise amelioration capacity, it is considered likely that noise could be managed in a manner more likely to be consistent with the amenity of the locality, and without such tight restrictions on operating hours. Neither officers nor Council, however, can bind a future Council with respect to its assessment of a future application.

CONCLUSION

With the reduction in permissible hours of operation from midnight (or 11pm) back to 7pm, as well as associated detailed conditions, it is considered that the proposal is appropriate and it is accordingly recommended for approval.

OPTIONS

The Council could consider refusal of the application, or grant approval subject to different and/or additional conditions. Should any Councillor require assistance in drafting an alternative motion, officers can provide assistance if requested to do so.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The applicant will be notified of the Council's decision within two days and prior to the scheduled SAT directions hearing.

ALTERNATIVE MOTION

C1803/059 Moved Councillor K Hick , seconded Councillor L Miles

That the Council, having considered application DA17/0651, for the development of a Reception Centre at Lot 30 (70), Millbrook Road, Yallingup, considers that the application is consistent with Local Planning Scheme 21, and resolves that development approval is granted, subject to the following conditions –

GENERAL CONDITIONS:

1. (a) The development hereby approved shall be substantially commenced within two years of the date of the decision notice; and
 - (b) The development hereby approved is approved for a period of 12 months only, from the date of substantial commencement.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (to be enclosed with the notice), including any notes placed thereon in red by the City, and except as may be modified by the following conditions.

PRIOR TO THE COMMENCEMENT OF ANY WORKS CONDITIONS:

3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:
 - 3.1 Details of sewage and / or on-site effluent works;
 - 3.2 Details of the means and method of providing adequate potable water supply;
 - 3.3 Details of the location and layout of proposed car parking, bus parking and vehicle access arrangements, sufficient to accommodate a minimum of 25 light vehicles and two buses;
 - 3.4 A Noise Management Plan that is consistent with the Environmental Noise Assessment (dated 22 January 2018), and which will meet the following requirements:
 - 3.4.1 Potential venue hirers are to be notified of the sensitive surrounding land uses and noise limitations prior to booking;
 - 3.4.2 Sound levels will be monitored on-site using a sound meter at all times and all acoustic equipment/speakers will be provided by the venue and be configured to ensure that the requirements of the Noise Management Plan will be met;
 - 3.4.3 A duty manager shall be on-site at all times when music is being played, either playing of recorded music or live performance;
 - 3.4.4 A contact number for the duty manager shall be made available to nearby residents whenever the development is in use;
 - 3.4.5 Live music shall be restricted to acoustic type only, with no electronic amplification; and
 - 3.4.6 For events where a marquee is to be erected:
 - (a) The speakers shall face in a westerly direction; and
 - (b) The acoustic equipment/speakers must be configured to have a noise level limiting system to ensure compliance with the following levels:
 - (i) Between 7am and 7pm Monday to Saturday, 82dB(A) at 4m from speakers;
 - (ii) Between 7am and 7pm Sundays or Public Holidays, 75 dB(A) at 4m from speakers;
 - (iii) The acoustic equipment/speakers shall not contain separate 'subwoofer' boxes; and
 - (iv) The sides of the marquee shall remain down/enclosed at all times when music is being played, with the exception of an opening in a westerly direction to allow access and egress to the marquee.

3.4.7 For events where a marquee is not to be erected:

- (a) Noise levels to be identified and implemented such that the City can be confident that the requirements of the Environmental Protection (Noise) Regulations 1997 will be complied with at all times, including providing practical guidance on the actions required to ensure that those requirements are met.

PRIOR TO USE/OCCUPATION CONDITIONS

4. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition(s) 2 and 3 have been implemented, and the following conditions have been complied with:
 - 4.1 The development hereby approved shall be undertaken in accordance with the signed and stamped, Bushfire Management Plan and Bushfire Emergency Evacuation Plan (to be enclosed with this notice) and any works therein required.

ONGOING CONDITIONS

5. The works and other actions, including but not limited to compliance with the approved Noise Management Plan, to satisfy Condition(s) 3.1, 3.2, 3.3 and 3.4 shall be subsequently maintained for the life of the development.
6. Hours of operation are restricted to the following:
 - (a) Customer attendance on site between 7:00am and 7:00pm on any day; and
 - (b) Set-up and clean-up activities between 7:00am and 9:00pm on any day.
7. The number of guests/occupants of the hereby approved Reception Centre shall be limited in number to not more than 150 persons at any time.
8. Should the lot be reduced in size to 20 hectares or less, the approved use shall cease.

Cr Henley Amendment

RESOLUTION

C1803/060 Moved Mayor G Henley, seconded Councillor P Carter

Amendment to remove 1b "The development hereby approved is approved for a period of 12 months only, from the date of substantial commencement" from condition 1 of the Alternative Motion.

Voting:

For the motion: Mayor G Henley, Councillor P Carter, Councillor R Paine, Deputy Mayor McCallum, Councillor Tarbotton, Councillor R Reekie and Councillor Bennett.

Against the motion: Councillor K Hick and Councillor L Miles.

CARRIED 7/2

Cr Paine Amendment**RESOLUTION****C1803/061** Moved Councillor R Paine, seconded Deputy Mayor McCallum

Amendment to remove the last sentence from condition 3.4.2 “and all acoustic equipment/speakers will be provided by the venue and be configured to ensure that the requirements of the Noise Management Plan will be met” of the Alternative Motion.

Voting:

For the motion: Councillor P Carter, Councillor R Paine, Deputy Mayor McCallum, Councillor Tarbotton and Councillor R Reekie.

Against the motion: Mayor G Henley, Councillor K Hick , Councillor L Miles and Councillor Bennett.

CARRIED 5/4Cr Paine Amendment**RESOLUTION****C1803/062** Moved Councillor R Paine, seconded Deputy Mayor McCallum

Amendment to remove condition 8 “Should the lot be reduced in size to 20 hectares or less, the approved use shall cease.” of the Alternative Motion.

Voting:

For the motion: Councillor R Paine, Deputy Mayor McCallum, Councillor Tarbotton and Councillor R Reekie.

Against the motion: Mayor G Henley, Councillor P Carter, Councillor K Hick , Councillor L Miles and Councillor Bennett.

LOST 4/5

COUNCIL DECISION**C1803/063**

Moved Councillor K Hick , seconded Councillor L Miles

That the Council, having considered application DA17/0651, for the development of a Reception Centre at Lot 30 (70), Millbrook Road, Yallingup, considers that the application is consistent with Local Planning Scheme 21, and resolves that development approval is granted, subject to the following conditions –

GENERAL CONDITIONS:

1. The development hereby approved shall be substantially commenced within two years of the date of the decision notice.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (to be enclosed with the notice), including any notes placed thereon in red by the City, and except as may be modified by the following conditions.

PRIOR TO THE COMMENCEMENT OF ANY WORKS CONDITIONS:

3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:
 - 3.1 Details of sewage and / or on-site effluent works;
 - 3.2 Details of the means and method of providing adequate potable water supply;
 - 3.3 Details of the location and layout of proposed car parking, bus parking and vehicle access arrangements, sufficient to accommodate a minimum of 25 light vehicles and two buses;
 - 3.4 A Noise Management Plan that is consistent with the Environmental Noise Assessment (dated 22 January 2018), and which will meet the following requirements:
 - 3.4.1 Potential venue hirers are to be notified of the sensitive surrounding land uses and noise limitations prior to booking;
 - 3.4.2 Sound levels will be monitored on-site using a sound meter at all times.
 - 3.4.3 A duty manager shall be on-site at all times when music is being played, either playing of recorded music or live performance;
 - 3.4.4 A contact number for the duty manager shall be made available to nearby residents whenever the development is in use;
 - 3.4.5 Live music shall be restricted to acoustic type only, with no electronic amplification; and
 - 3.4.6 For events where a marquee is to be erected:
 - (c) The speakers shall face in a westerly direction; and
 - (d) The acoustic equipment/speakers must be configured to have a noise level limiting system to ensure compliance with the following levels:
 - (v) Between 7am and 7pm Monday to Saturday, 82dB(A) at 4m from speakers;
 - (vi) Between 7am and 7pm Sundays or Public Holidays, 75 dB(A) at 4m from speakers;

- (vii) The acoustic equipment/speakers shall not contain separate 'subwoofer' boxes; and
- (viii) The sides of the marquee shall remain down/enclosed at all times when music is being played, with the exception of an opening in a westerly direction to allow access and egress to the marquee.

3.4.7 For events where a marquee is not to be erected:

- (b) Noise levels to be identified and implemented such that the City can be confident that the requirements of the Environmental Protection (Noise) Regulations 1997 will be complied with at all times, including providing practical guidance on the actions required to ensure that those requirements are met.

PRIOR TO USE/OCCUPATION CONDITIONS

- 4. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition(s) 2 and 3 have been implemented, and the following conditions have been complied with:
 - 4.1 The development hereby approved shall be undertaken in accordance with the signed and stamped, Bushfire Management Plan and Bushfire Emergency Evacuation Plan (to be enclosed with this notice) and any works therein required.

ONGOING CONDITIONS

- 5. The works and other actions, including but not limited to compliance with the approved Noise Management Plan, to satisfy Condition(s) 3.1, 3.2, 3.3 and 3.4 shall be subsequently maintained for the life of the development.
- 6. Hours of operation are restricted to the following:
 - (c) Customer attendance on site between 7:00am and 7:00pm on any day; and
 - (d) Set-up and clean-up activities between 7:00am and 9:00pm on any day.
- 7. The number of guests/occupants of the hereby approved Reception Centre shall be limited in number to not more than 150 persons at any time.
- 8. Should the lot be reduced in size to 20 hectares or less, the approved use shall cease.

Voting:

For the motion: Mayor G Henley, Councillor P Carter, Councillor R Paine, Councillor K Hick , Councillor L Miles, Councillor Tarbotton , Councillor R Reekie and Councillor Bennett.

Against the motion: Deputy Mayor McCallum.

CARRIED 8/1

13.3 CSRFF APPLICATION SMALL GRANTS ROUND 2 BUSSELTON TENNIS CLUB

SUBJECT INDEX:	CSRFF applications and correspondence 2018
STRATEGIC OBJECTIVE:	A community with access to a range of cultural and art, social and recreational facilities and experiences.
BUSINESS UNIT:	Community Services
ACTIVITY UNIT:	Community Services
REPORTING OFFICER:	Manager, Community Services - Maxine Palmer
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A BTC Funding for 6 expansion courts⇒ Attachment B BTC 19 Courts & Expansion of Courts⇒

DISCLOSURE OF INTEREST	
Date	28 March 2018
Meeting	Council
Name/Position	John McCallum, Councillor
Item No./Subject	13.3
Type of Interest	Impartiality Interest
Nature of Interest	I am a member of the Busselton Tennis Club

PRÉCIS

Each year Local Government Authorities are required to rate and prioritise the Community Sport and Recreation Facilities Fund (CSRFF) submissions received within their municipality.

The purpose of this report is to meet the CSRFF criteria by outlining the submissions received for projects within the City for the current small grants funding round and request that Council rate each application prior to forwarding to Department of Local Government Sport and Cultural Industries (DLGSCI) for final consideration.

There was one (1) application in the current round of funding from the Busselton Tennis Club to construct six (6) plexi-pave tennis courts two (2) with lights.

BACKGROUND

DSR administers the CSRFF program, with the purpose of providing State Government financial assistance to Local Government Authorities and local community groups (up to one third of the total capital cost), to develop well-planned facilities for sport and recreation.

In order to assist with the evaluation of submissions and to ensure projects are viable and appropriate, DLGSCI has developed "Key Principles of Facility Provision". Accordingly, each submission is to be assessed against those criteria.

Under the provision, Local Government Authorities are required to rate and prioritise local submissions using the following guide;

RATE	DESCRIPTION
A	Well planned and needed by the municipality
B	Well planned and needed by the applicant
C	Needed by the municipality, more planning required
D	Needed by the applicant, more planning required
E	Idea has merit, more preliminary work needed
F	Not recommended

Submissions for the current funding round closed on Wednesday, 28 February 2018. Following this date, each Local Government Authority is required to assess and prioritise applications before forwarding all documentation to the South West Office of DLGSCI no later than 30 March 2018.

Following receipt by DLGSCI, local applications along with others received throughout the State, will be evaluated and ranked by relevant State Sporting Associations and the CSRFF Assessment Panel, prior to the outcome being announced by the Minister for Sport and Recreation in July/August 2018. Funds for successful applications will become available in September / October 2018.

There are two (2) rounds of Small Grants which open annually in July and February. Small Grants are for projects with a total value of \$5,000 – \$200,000 and are allocated to projects with a planning and construction process that will be complete within 12 months. The total grant value is between \$2,500 and \$66,666.

There was one (1) application in the current annual grants round from the Busselton Tennis Club to construct six (6) plexi-pave tennis courts two (2) with lights.

STATUTORY ENVIRONMENT

Nil

RELEVANT PLANS AND POLICIES

Social Plan 2015-2025. A key goal of this plan is to “create needed, quality, sustainable recreation and leisure facilities and services for our community.”

The Busselton Tennis Club relocation project forms part of the Busselton Foreshore Masterplan and is an identified priority within the City’s Corporate Plan.

FINANCIAL IMPLICATIONS

The Tennis Club are seeking CSRFF funding of \$50,000 for a total project cost of \$150,000 which includes \$50,000 cash from the Club and \$50,000 of in kind resourcing. These costs are subject to confirmation by written quotations.

There are no financial implications for the City in considering this application. The City is already contributing to the \$4.5m relocation project to move the Busselton Tennis Club to Lot 507, Geographe Bay Road.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

Growth of the Tennis Club facility supports the City’s vision for a place "where environment, lifestyle and opportunity meet." In particular the Tennis Club’s plans contribute to achieving the following key goal areas:

Key Goal Area 1 - COMMUNITY: Welcoming, friendly and healthy.

Key Goal Area 2 - PLACE AND SPACES: Vibrant, attractive and affordable.

RISK ASSESSMENT

An assessment of the potential risks of implementing the Officers recommendation was undertaken, and as a result, no risks were rated as 'medium' or above were identified.

CONSULTATION

Consultation has taken place between City Officers, representatives from the Busselton Tennis Club and staff from the South West Office of DLGSCI in regard to the application.

OFFICER COMMENT

The addition of six (6) plexi-pave courts with two (2) under lighting to the new Busselton Tennis Club will enhance the quality of the facility and provide for increased participation in the sport stimulated by Busselton's rapid population growth rate, particularly in young families and seniors. An increased membership base across a younger demographic provides pathways for tennis skills development and supports active, healthy lifestyles.

The new facility is going to have a much larger reach in terms of physical activity opportunities for casual play under lights after school or work, community groups and tourist play. The courts will allow expanded Junior and Open State tournaments as well as attracting Tennis Australia tournaments and an Australian Seniors tournament.

The six (6) additional courts if constructed simultaneously with the six (6) lit plexi-pave courts and thirteen (13) grass courts, which are part of the club relocation project, will deliver economies in construction costs which can be redirected into the club to support increased programming and catering for the growing number of players.

The City of Busselton has been working with the Busselton Tennis Club for over five (5) years on their relocation and expansion plans with representatives from both parties on the Busselton Tennis Club Relocation Working Group. Planning has been collaborative and comprehensive.

It is recommended that it is cost effective and sensible to construct the additional plexi-pave courts and lighting simultaneously with the broader City funded relocation project and this project be assessed as a 'high' priority and that it is a (B) well planned and needed by the applicant

CONCLUSION

The Busselton Tennis Club court expansion application received for the 2018/19 CSRFF Annual Grants funding round shows sound reasoning and justification, as such it is recommended that Council adopts the Officers Recommended rating to allow the projects to proceed should funding from DLGSCI be forthcoming.

OPTIONS

The Council could decide not to support the application received for the 2018/19 CSRFF Annual Grants Round or the Council could decide to rate and rank the application in an alternative manner.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

DLGSCI, South West Office staff will be advised in writing of the Council's decision by 30 March 2018 when the full contents of the application are forwarded to their regional office in Bunbury.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1803/064 Moved Deputy Mayor McCallum, seconded Councillor Tarbotton

That the report be pulled from the Council Agenda due to the Busselton Tennis Club withdrawing their application.

CARRIED 9/0

Reason: The Busselton Tennis Club wish to withdraw their application in the current round of CSRFF small grants.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17. CONFIDENTIAL REPORTS

The reports listed below are of a confidential nature, in accordance with section 5.23(2) of the Local Government Act 1995. These reports have been provided to Councillors, the Chief Executive Officer and Directors only.

RECOMMENDATION

That the meeting is closed to members of the public to discuss the following items which are confidential for the reasons as shown.

17.1 **PURCHASE OF HANGAR BUILDINGS: BUSSELTON MARGARET RIVER AIRPORT**

This report contains information of a confidential nature in accordance with Section 5.23(2)(c) of the Local Government Act 1995, as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

6.44pm At Council moved into closed session.

The Presiding Member requested a show of hands to accept this report as a late item, which was then accepted.

17.1 PURCHASE OF HANGAR BUILDINGS: BUSSELTON MARGARET RIVER AIRPORT

SUBJECT INDEX:	Busselton-Margaret River Airport
STRATEGIC OBJECTIVE:	Public transport services that meet the needs of the community.
BUSINESS UNIT:	Commercial Services
ACTIVITY UNIT:	Airport
REPORTING OFFICER:	Project Officer Contracts and Tendering - Ben Whitehill
AUTHORISING OFFICER:	Manager, Commercial Services - Jennifer May
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Geographe Hangar Owner Group Accept Letter Attachment B Busselton Hangar Owner Group Accept Letter

This item is confidential in accordance with section 5.23(2) (c) of the Local Government Act 1995, as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

COUNCIL DECISION AND AMENDED OFFICER RECOMMENDATION

C1803/065 Moved Councillor P Carter, seconded Deputy Mayor McCallum

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

1. Authorises the Chief Executive Officer to enter into a contract to purchase the Hangar Building from Busselton Hangar Owners Pty Ltd as trustee for the Busselton Hangar Owners' Unit Trust up to the figure outlined in the officers report on page 6;
2. Authorises the Chief Executive Officer to enter into a contract to purchase the Hangar Building from Geographe Hangar Owners' Group Inc up to the figure outlined in the officers report on page 6;
3. Authorises the Chief Executive Officer to advertise an intended disposition of the disposition of land by way of lease as outlined in this report and invite public submissions in accordance with Section 3.58(3) of the *Local Government Act 1995*;

4. Delegates to the Chief Executive Officer the power and authority to consider submissions received pursuant to resolution 3 and, subject to not receiving any adverse submissions, to discharge of the Council's duties under Section 3.58(3) and to complete the land exchange contract;
5. The transaction be subject to a budget amendment report following the purchases being finalised; and
6. Delegates the CEO the power and authority to vary the existing leases to allow an extension of the BHO and GHO leases on a monthly basis until 31 March 2019 at the latest.

CARRIED 9/0

6.53pm At this time Council resumed Open Session.

18. QUESTIONS FROM MEMBERS

Nil

19. PUBLIC QUESTION TIME

Nil

20. NEXT MEETING DATE

Wednesday, 11 April 2018

21. CLOSURE

The meeting closed at 6.54pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 87 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 11 APRIL 2018.

DATE: _____

PRESIDING MEMBER: _____